

THE
CONSTITUTION OF RHODESIA
1965

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THE CONSTITUTION OF RHODESIA, 1965

ARRANGEMENT OF SECTIONS

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IT is hereby notified that we, the Government of Rhodesia, have adopted, enacted and given to Rhodesia this Constitution.

CHAPTER I

PRELIMINARY

Citation.

1. This Constitution shall be cited as the Constitution of Rhodesia, 1965.

Repeal of old Constitution and replacement by new Constitution.

2. (1) The Constitution of Southern Rhodesia, 1961, granted to Rhodesia on the 6th December, 1961, under the Southern Rhodesia (Constitution) Order in Council, 1961, and the provisions of the said Order (hereinafter referred to as the old Constitution) are hereby declared to be of no force or effect in Rhodesia immediately before the appointed day and shall at such time be deemed to be repealed and revoked by this Constitution and no longer operative in and for Rhodesia.

(2) The new Constitution as set forth herein (hereinafter referred to as this Constitution) shall come into operation immediately on the expiration of the day preceding the appointed day and shall thereafter in Rhodesia have the full force and effect of law.

(3) For the purposes of this Constitution the "appointed day" means the day on which this Constitution is published in the Gazette.

CHAPTER II

OFFICER ADMINISTERING THE GOVERNMENT

3. (1) There shall be an Officer Administering the Government in and over Rhodesia who shall be Commander-in-Chief of the armed forces of Rhodesia.

Appointment of Officer Administering the Government and first Acting Officer Administering the Government.

(2) The Officer Administering the Government shall be either—

- (a) a Governor-General who may be appointed by Her Majesty the Queen on the advice only of the Ministers of the Government of Rhodesia; or
- (b) if Her Majesty does not appoint a Governor-General under paragraph (a) of this subsection within fourteen days of the advice of the Ministers of the Government of Rhodesia being tendered to Her Majesty by the Prime Minister of Rhodesia, a Regent appointed by the members of the Executive Council presided over by the Prime Minister or in such other manner as may be prescribed by a law of the Legislature.

(3) Pending the appointment of the first Officer Administering the Government under subsection (2) of this section, the members of the Executive Council, presided over by the Prime Minister, may appoint an Acting Officer Administering the Government.

4. The Officer Administering the Government shall have such powers and duties as are conferred or imposed on him by or under this Constitution or any other law, and such other powers (not being powers to be exercised in his personal discretion) as Her Majesty may from time to time be pleased, on the advice of the Ministers of the Government of Rhodesia, to assign to him. Subject to the provisions of this Constitution and of any law by which any such powers or duties are conferred or imposed, the Officer Administering the Government shall do and execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time, on the advice of the Ministers of the Government of Rhodesia, see fit to give him:

Powers of Officer Administering the Government.

Provided that the question whether or not the Officer Administering the Government has in any matter conformed to or observed any such instructions shall not be inquired into in any court.

5. The Officer Administering the Government shall in Rhodesia represent Her Majesty the Queen as the Queen of Rhodesia, and in all matters and things appertaining to Her Majesty's powers and duties in terms of this Constitution or any other law in force

Exercise of powers on advice of Rhodesian Ministers.

in Rhodesia, Her Majesty and the Officer Administering the Government in representing Her Majesty shall act on the advice only of the Ministers of the Government of Rhodesia, except where, under this Constitution, Her Majesty or the Officer Administering the Government has a discretion, in which case Her Majesty or the Officer Administering the Government shall act according to such discretion but in no case contrary to the provisions of this Constitution.

Tenure of office of Officer Administering the Government.

6. (1) The Officer Administering the Government shall hold office for such period not exceeding five years as may be specified on appointment.

(2) The Officer Administering the Government may resign his office by lodging his resignation in writing with the Speaker, who shall forthwith inform the Prime Minister of such resignation.

(3) The Officer Administering the Government shall cease to hold office on a resolution passed by two-thirds of the total membership of Parliament after a report prepared by a Committee of Parliament appointed at the request of the Prime Minister has recommended his removal on the ground of misconduct or inability to perform efficiently the duties of his office. There shall be no debate on the resolution for such removal.

Acting Officer Administering the Government.

7. (1) During any period when the office of Officer Administering the Government is vacant or the Officer Administering the Government is absent from Rhodesia or is for any reason unable to perform the functions of his office, those functions shall during that period be assumed and performed—

- (a) in the case where the Officer Administering the Government was appointed under paragraph (a) of subsection (2) of section 3, by such person as Her Majesty may, on the advice of the Prime Minister, appoint; or
- (b) in the case where the Officer Administering the Government was appointed under paragraph (b) of that subsection, by such person as the Executive Council may appoint.

(2) Any such person as aforesaid shall cease to perform the functions of the Officer Administering the Government after the Officer Administering the Government has notified him that he is about to resume his functions or when a new Officer Administering the Government assumes office in terms of this Constitution.

(3) The Officer Administering the Government or any other person as aforesaid shall not, for the purposes of this section, be

regarded as absent from Rhodesia or as unable to perform the functions of the office of Officer Administering the Government at any time when there is a subsisting appointment of a deputy under section 8.

8. (1) Whenever the Officer Administering the Government—

- (a) has occasion to be absent from the seat of Government but not from Rhodesia; or
- (b) has occasion to be absent from Rhodesia for a period which he has reason to believe will not exceed one month; or
- (c) is suffering from an illness that he has reason to believe will be of short duration;

Deputy to Officer Administering the Government.

he may, by instrument under the public seal, appoint any person in Rhodesia to be his deputy during such absence or illness, and in that capacity to perform on his behalf such of the functions of the office of Officer Administering the Government as may be specified in that instrument.

(2) The power and authority of the Officer Administering the Government shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and a deputy shall conform to and observe all instructions that the Officer Administering the Government may from time to time address to him:

Provided that the question whether or not a deputy has in any matter conformed to or observed any such instructions shall not be inquired into in any court.

(3) A person appointed as a deputy under this section shall hold the appointment for such period as may be specified in the instrument by which he is appointed, save that his appointment may be revoked at any time by the Officer Administering the Government.

9. Before entering on any of the duties of his office, the Officer Administering the Government, the first Acting Officer Administering the Government and every other Acting Officer Administering the Government shall take the oaths of loyalty and for the due execution of his office in the forms set out in the First Schedule, which oaths shall be administered by the Chief Justice or other Judge or by a Magistrate, Justice of the Peace or Commissioner of Oaths.

Protection of dignity and reputation of Officer Administering the Government.

10. Any person who commits any act which is calculated to violate the dignity or injure the reputation of the Officer Administering the Government or Acting Officer Administering the Government or deputy shall be guilty of an offence and liable to a fine not exceeding one thousand pounds or to imprisonment for a period not exceeding five years.

Salary and allowances of Officer Administering the Government.

11. (1) The Officer Administering the Government and every Acting Officer Administering the Government shall receive such salary and allowances, if any, as may from time to time be prescribed by a law of the Legislature.

(2) The salary and allowances payable to the Officer Administering the Government or any Acting Officer Administering the Government shall not be reduced during his continuance in such office and shall be charged on and paid out of the Consolidated Revenue Fund.

CHAPTER III

THE LEGISLATURE

Part I—Composition

The Legislature.

12. The Legislature of Rhodesia shall consist of the Officer Administering the Government as the representative of Her Majesty and a Parliament.

Parliament.

13. (1) The Parliament of Rhodesia shall consist of such persons as are qualified for election and are duly elected thereto in accordance with any law for the time being in force relating to the election of members to Parliament.

(2) There shall be one member of Parliament for each constituency and one for each electoral district established in accordance with the provisions of this Constitution.

The franchise.

14. (1) Subject to the other provisions of this Constitution, a law of the Legislature may make provision with respect to the election of members to Parliament, and, in particular, as to—

- (a) the qualifications and disqualifications for election as members;
- (b) the qualifications and disqualifications for registration as a voter or for voting at elections;
- (c) the registration of voters;
- (d) the holding and conduct of elections;

- (e) the definition and trial of offences relating to elections and the imposition of penalties therefor, including the disqualification for election of any person concerned in such offence;
- (f) the hearing and disposal of election petitions.

(2) Any such law as is mentioned in subsection (1) of this section shall provide that claims for registration as voters may be made not less frequently than once in every year and that rolls of voters shall be prepared at least once in every year and be open to inspection by members of the public.

15. (1) No Bill which, if enacted, would vary the qualifications or disqualifications of voters at elections for Parliament shall be deemed to be passed by Parliament unless at the final vote thereon it receives the affirmative votes of not less than two-thirds of the total membership of Parliament, and no such Bill shall be presented to the Officer Administering the Government for assent unless it is accompanied by a certificate under the hand of the Speaker to that effect.

Restrictions on power of Legislature in respect of the franchise.

(2) Where any such Bill as is mentioned in subsection (1) of this section contains any provision which would, if enacted, have the effect of rendering ineligible for inclusion in the "A" Roll or "B" Roll, as the case may be, any person possessing the qualifications for that Roll set out in the Second Schedule, that Bill shall be dealt with in all respects as if it were a constitutional Bill to amend a specially entrenched provision of this Constitution within the meaning of section 116 and shall not be presented to the Officer Administering the Government for assent unless the requirements of subsection (2) of section 117 have been complied with, in addition to those of subsection (1) of this section:

Provided that this subsection shall not apply to a provision of a Bill which, if enacted, would have the effect of rendering eligible for the "A" Roll any person possessing the qualifications for the "B" Roll set out in the Second Schedule.

(3) Nothing contained in subsection (1) or (2) of this section shall prevent the Officer Administering the Government, by proclamation in the *Gazette*, from varying any qualifications for the franchise which are expressed in any law of the Legislature in terms of money according to the ascertained increase or decrease in the purchasing power of money in Rhodesia in pursuance of the powers conferred on the Officer Administering the Government under section 13 of the Electoral Act [Chapter 2] or any like provision amending or replacing the same. The said power

of the Officer Administering the Government to vary by proclamation any monetary qualifications for the franchise contained in any law of the Legislature shall extend in like manner and to the same extent to such qualifications expressed in terms of money in the Second Schedule and such Schedule shall have effect subject to any such variation as the Officer Administering the Government may specify by proclamation from time to time in pursuance of such power:

Provided that any such variation shall not be deemed to be an amendment of any of the provisions of this Constitution for the purposes of Chapter X.

(4) Any Bill which, if enacted, would have the effect of amending the provision in the electoral law of Rhodesia in relation to the counting of votes set out in paragraph 10 of the Second Schedule shall be subject to the same procedure in all respects as if it were a constitutional Bill to amend a specially entrenched provision of this Constitution within the meaning of section 116. No such Bill shall be presented to the Officer Administering the Government for assent unless the Bill is accompanied by a certificate from the Speaker that at the final vote thereon it received the affirmative votes of not less than two-thirds of the total membership of Parliament and unless the requirements of subsection (2) of section 117 have been complied with.

Election of Speaker.

16. (1) When Parliament first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be Speaker, and, whenever the office of Speaker is vacant otherwise than by reason of a dissolution, Parliament shall not transact any other business until a person to fill that office has been elected.

(2) The Speaker may be elected, in such manner as Parliament may from time to time decide, either from among the Members of Parliament who are neither Ministers nor Deputy Ministers, or from among persons who are not Members of Parliament:

Provided that a person who is not a Member of Parliament shall not be elected Speaker unless, under the law for the time being in force, he possesses the qualifications and none of the disqualifications for election as a Member of Parliament.

(3) Before a person who has been elected Speaker enters upon the duties of his office, he shall (unless he has already done so in accordance with the provisions of section 28) take and sub-

scribe before Parliament the oath of loyalty in the form set out in the First Schedule.

17. (1) The Speaker may at any time resign his office by announcing his resignation either in person to Parliament or by writing under his hand addressed to the Clerk of Parliament, and shall vacate his office—

Tenure of office of Speaker.

- (a) on the dissolution of Parliament next following his election; or
- (b) if he becomes a Minister or Deputy Minister; or
- (c) in the case of a Speaker elected from among the Members of Parliament, if he ceases to be a Member of Parliament otherwise than by reason of a dissolution thereof or if, under the provisions of subsection (1) of section 21, he is required to cease to exercise any of his functions as a Member; or
- (d) in the case of a Speaker elected from among persons who are not Members of Parliament, if any circumstance arises that, if he had been elected to a seat in Parliament, the provisions of paragraphs (d) to (i) of subsection (1) of section 20 would apply to him, or would require him, by virtue of subsection (1) of section 21, to cease to exercise any of his functions as a Member.

(2) Any functions of the Speaker (whether authorized by law or otherwise) which require to be performed between a dissolution of Parliament and the date when Parliament first meets thereafter shall be performed by the person who was Speaker immediately before that dissolution unless he relinquishes those functions by notice in writing to the Officer Administering the Government, or is for any reason unable to perform them, in which case those functions shall be performed by the Clerk of Parliament or by some other person appointed by the Officer Administering the Government in that behalf.

18. (1) The Speaker shall receive such salary and allowances as Parliament may from time to time determine: such remuneration shall not be reduced during his continuance in office and shall be charged on and paid out of the Consolidated Revenue Fund.

Remuneration of Speaker.

(2) A person who has held the office of Speaker immediately prior to a dissolution shall continue to receive the salary and allowances of the Speaker until Parliament meets after the dissolution or until he ceases sooner to perform the functions of

the Speaker in the circumstances mentioned in subsection (2) of section 17.

Election of Deputy Speaker.

19. (1) When Parliament first meets after any general election, it shall, as soon as practicable after the election of the Speaker, elect a Member of Parliament, not being the Speaker or a Minister or a Deputy Minister, to be Deputy Speaker; and whenever the office of Deputy Speaker becomes vacant, otherwise than by reason of a dissolution, Parliament shall, as soon as convenient, elect another such Member thereof to that office.

(2) The Deputy Speaker may at any time resign his office by writing under his hand addressed to the Clerk of Parliament, and shall vacate his office—

- (a) if he ceases to be a Member of Parliament; or
- (b) if he is required, under the provisions of subsection (1) of section 21, to cease to exercise any of his functions as a Member; or
- (c) if he becomes a Minister or a Deputy Minister; or
- (d) if he is elected Speaker.

Tenure of seats of Members of Parliament.

20. (1) The seat of a Member of Parliament shall become vacant—

- (a) upon the next dissolution of Parliament after he has been elected;
- (b) if he resigns his seat by writing under his hand addressed to the Speaker or, in the case of the death, incapacity or absence from Rhodesia of the Speaker, the Clerk of Parliament;
- (c) if he is absent from twenty-one consecutive sittings during any session of Parliament without the leave of Parliament;
- (d) if he ceases to be a citizen of Rhodesia; or takes any oath or makes any declaration or acknowledgement of allegiance, obedience or adherence to any foreign Power or State, or does, concurs in or adopts any act done with the intention that he shall become a subject or citizen of any foreign Power or State;
- (e) if he is adjudged or declared bankrupt or insolvent under any law in force in Rhodesia;

- (f) if he is, under any law in force in Rhodesia, certified to be insane or otherwise adjudged to be of unsound mind or detained as a criminal lunatic;
- (g) if he accepts any public office;
- (h) if he ceases to be qualified for election to Parliament under any law for the time being in force in Rhodesia;
- (i) in the circumstances set out in section 21.

(2) The resignation of a Member shall not become effective to render the seat of that Member vacant under the provisions of paragraph (b) of subsection (1) of this section in any case in which—

- (a) proceedings are pending in respect of that Member's election if it is alleged that illegal or corrupt practices took place at such election; or
- (b) proceedings in Parliament are contemplated or pending in respect of that Member's conduct in or as a Member of Parliament;

unless Parliament by resolution accepts the resignation.

(3) For the purposes of paragraph (g) of subsection (1) of this section, a person shall not be deemed to have accepted a public office by reason of —

- (a) accepting appointment as a Minister, Deputy Minister, Speaker or Deputy Speaker;
- (b) being an officer or member of any of the defence forces of Rhodesia whose services in peace time are not wholly in the employ of the Government of Rhodesia;
- (c) being an officer or a member of the reserve forces of the British South Africa Police whose services are not wholly in the employ of the Government of Rhodesia;
- (d) holding any such office for which no remuneration is paid other than payment by way of travelling or subsistence allowances or out-of-pocket expenses.

21. (1) In the event of a Member of Parliament being convicted—

- (a) within Rhodesia of a criminal offence; or
- (b) outside Rhodesia of an offence (by whatever name called) which if committed within Rhodesia would have been a criminal offence;

Members sentenced to death or to imprisonment.

and being sentenced by a court to death or imprisonment (by whatever name called) for a term of six months or more, such Member shall cease forthwith to exercise his functions or to be entitled to any remuneration as a Member and, subject to the other provisions of this section, his seat shall become vacant at the expiration of thirty days from the date of such sentence.

(2) When during the said period of thirty days, an application for a free pardon is made or an appeal is filed, the question whether the Member is to vacate his seat shall not be determined until the final disposal of such application or appeal, whereupon the Member shall forthwith vacate his seat unless—

- (a) he is granted a free pardon; or
- (b) his conviction is set aside; or
- (c) his sentence is reduced to a term of imprisonment of less than six months; or
- (d) a punishment other than imprisonment is substituted.

(3) Where as a consequence of the final disposal of the Member's application or appeal, his conviction or sentence is varied in any manner specified in paragraphs (a) to (d) of subsection (2) of this section, the Member shall not vacate his seat (unless he has previously resigned) but shall be entitled to resume his functions as a Member and to receive remuneration as such for the period during which he ceased to exercise his functions as a Member by reason of the other provisions of this section.

(4) For the purposes of this section—

- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms;
- (b) two or more terms of imprisonment that are required to be served concurrently shall be regarded as a single term of imprisonment for the period of the longest of such terms;
- (c) a person shall be regarded as sentenced notwithstanding that the execution of the sentence or any part thereof has been suspended;
- (d) no account shall be taken of any sentence of imprisonment imposed as an alternative to, or in default of, the payment of a fine.

22. Any person who sits or votes in Parliament knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty of twenty pounds for each day on which he so sits or votes. Such penalty shall be recoverable by the Minister responsible for finance for the benefit of the Consolidated Revenue Fund by civil action.

Unqualified persons sitting or voting.

23. (1) Whenever a vacancy occurs in Parliament from any cause, other than as the result of an election petition, the Speaker shall, upon a resolution of Parliament declaring such vacancy, inform the Officer Administering the Government thereof.

Notification of vacancies.

(2) If such vacancy occurs when Parliament is not meeting, the Speaker (or in the case of the death, incapacity or absence from Rhodesia of the Speaker, the Clerk of Parliament) shall, on a certificate under the hands of two Members of Parliament, stating that such vacancy has occurred and the cause thereof, inform the Officer Administering the Government.

(3) The Officer Administering the Government on receiving such information shall without delay cause the necessary steps to be taken for filling such vacancy in accordance with the law for the time being in force relating to the election of members to Parliament.

24. Subject to the provisions of section 30, Parliament shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, including any vacancy not filled when Parliament is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in Parliament or otherwise took part in the proceedings.

Validity of proceedings.

25. A general election shall be held within such period, not exceeding four months, after any dissolution of Parliament as the Officer Administering the Government may, by proclamation in the *Gazette*, prescribe.

General elections.

Part 2—General Powers and Procedure

26. (1) The Legislature shall have power to make laws (to be entitled "Acts") for the peace, order and good government of Rhodesia.

Power to make laws.

(2) The powers of the Legislature shall extend to the making of laws having extra-territorial operation.

(3) The Legislature shall be the sovereign legislative power in and over Rhodesia and notwithstanding anything in any other law contained no Act of the Parliament of the United Kingdom passed after the appointed day shall extend or be deemed to extend to Rhodesia as part of the law of Rhodesia unless extended thereto by an Act of the Legislature.

(4) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the appointed day by the Legislature.

(5) No law made after the appointed day by the Legislature shall be void or inoperative on the ground that it is repugnant to the law of England or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of Rhodesia.

Standing Orders.

27. Subject to the provisions of this Constitution, Parliament may make Standing Orders with respect to the regulation and orderly conduct of its proceedings and the despatch of business and for the passing, intituling and numbering of Bills and for the presentation of Bills to the Officer Administering the Government for assent.

Oath of loyalty.

28. No Member of Parliament shall be permitted to take part in the proceedings thereof (other than proceedings necessary for the purpose of this section) until he has taken and subscribed before Parliament the oath of loyalty in the form set out in the First Schedule:

Provided that the election of a Speaker may take place before the Members of Parliament have taken and subscribed such oath.

Presiding in Parliament.

29. The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of Parliament (not being a Minister or Deputy Minister) elected by Parliament, shall preside at each sitting of Parliament.

Quorum in Parliament.

30. If objection is taken by any Member present that there are present (besides the Speaker or other Member presiding) fewer than ten Members and, after such interval as may be prescribed in the Standing Orders, the Speaker or other Member presiding ascertains that the number of Members present is still less than ten, he shall thereupon adjourn Parliament.

31. (1) Save as otherwise provided in this Constitution, all questions proposed for decision in Parliament shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before Parliament, the votes of the Members are equally divided, the motion shall be lost.

Voting in Parliament.

(2) The Speaker and the Deputy Speaker or other Member when presiding shall not have an original or a casting vote.

32. Subject to the other provisions of this Constitution, a law of the Legislature may make provision to determine and regulate the privileges, immunities and powers of Parliament and its members.

Privileges of Parliament and Members.

33. (1) There shall be a Clerk of Parliament and such number of other staff as the Speaker, subject to any wishes expressed by Parliament, may from time to time consider necessary.

Staff of Parliament.

(2) The appointment of the Clerk of Parliament shall be subject to the prior approval of Parliament and the person appointed shall not be removable from office except in pursuance of a resolution of Parliament.

(3) The staff of Parliament shall be appointed by the Speaker on terms of service approved from time to time by Parliament. The persons so appointed shall be deemed to be holders of public offices but shall not form part of the civil service of the Government of Rhodesia.

Part 3—Procedure in regard to Bills, etc.

34. (1) Subject to the provisions of this Constitution and of the Standing Orders of Parliament, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, Parliament, and the same shall be debated and disposed of according to the Standing Orders of Parliament.

Introduction of Bills.

(2) Except on the recommendation of the Officer Administering the Government signified by a Minister or a Deputy Minister, Parliament shall not—

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the Speaker, makes provision for any of the following purposes, that is to say, for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other public funds of Rhodesia or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Rhodesia or for authorizing the making or raising of any loan;

(b) proceed upon any motion (including any amendment to a motion), the effect of which, in the opinion of the Speaker, is that provision should be made for any of the purposes aforesaid; or

(c) receive any petition which, in the opinion of the Speaker, requests that provision be made for any of the purposes aforesaid.

(3) The provisions of subsection (2) of this section shall not apply to—

(a) any Bill introduced or motion proposed by a Minister or a Deputy Minister; or

(b) any amendment moved by a Minister or a Deputy Minister to a Bill or motion.

35. (1) No Bill shall become law until the Officer Administering the Government has assented thereto and has signed it in token of such assent.

(2) A Bill shall be presented to the Officer Administering the Government for assent when it has been duly passed by Parliament, subject always to compliance with any other requirements of this Constitution that apply to such Bill.

(3) When a Bill is presented to the Officer Administering the Government for assent he shall declare, subject to the law and constitutional convention, that he assents or refuses assent thereto.

(4) In every Bill presented to the Officer Administering the Government for assent, the words of enactment shall be—

(a) “Be it enacted by His Excellency the Governor-General as representative of the Queen’s Most Excellent Majesty, by and with the advice and consent of the Parliament of Rhodesia”; or

(b) “Be it enacted by His Excellency the Regent as representative of the Queen’s Most Excellent Majesty, by and with the advice and consent of the Parliament of Rhodesia”;

as the case may require.

36. (1) Where under this Constitution there is a provision that a Bill of any specified description shall not be presented to the Officer Administering the Government for assent unless it is accompanied by a prescribed certificate, the Officer Administering the Government shall not assent to such Bill unless it is accompanied by a certificate which conforms to such requirements.

(2) A law assented to by the Officer Administering the Government shall come into operation on the date of its publication in the *Gazette* or on such other date as may be specified in or under that or some other law.

37. (1) As soon as may be after any Bill has been assented to by the Officer Administering the Government, the Clerk of Parliament shall cause a fair copy of the Act, duly authenticated by the signature of the Officer Administering the Government and the public seal, to be enrolled on record in the Office of the Registrar of the High Court and such copy shall be conclusive evidence of the provisions of such Act. Enrolment of Acts.

(2) Notwithstanding the provisions of subsection (1) of this section, a law of the Legislature may provide that a revised edition of the laws in force on any specified date shall be compiled and published and that, upon publication, the laws therein printed shall in all courts of justice and for all purposes whatever be the sole and authentic version of such laws and be conclusive evidence thereof. The Officer Administering the Government shall cause a duly authenticated copy of any such revised edition of the laws to be deposited in the Office of the Registrar of the High Court.

(3) The validity of any Act of the Legislature or of any revised edition of the laws shall not depend upon the enrolment or deposit thereof under the provisions of this section.

Part 4—Summoning, Prorogation and Dissolution

38. (1) Subject to the provisions of this section, the sessions of Parliament shall be held in such place and shall begin at such time as the Officer Administering the Government may direct by proclamation in the *Gazette*. Sessions of Parliament.

(2) There shall be a session of Parliament beginning in every calendar year, so that a period of more than twelve months shall not intervene between the last sitting of Parliament in any one session and its first sitting in the next session.

39. (1) The Officer Administering the Government may at any time, by proclamation in the *Gazette*, prorogue Parliament. Prorogation and dissolution.

(2) The Officer Administering the Government, acting in his discretion in the manner prescribed by section 50, may at any time, by proclamation in the *Gazette*, dissolve Parliament.

(3) The Officer Administering the Government shall dissolve Parliament at the expiration of five years from the date when Parliament first meets after any general election unless it has been sooner dissolved.

Assent to Bills.

Further provisions relating to the enactment of Bills.

CHAPTER IV

DELIMITATION OF CONSTITUENCIES AND ELECTORAL DISTRICTS

Interpretation of Chapter IV.

40. In this Chapter, unless the context otherwise requires—

“‘A’ roll of voters” means an “A” Roll prepared and kept under the electoral law in accordance with the provisions of the Second Schedule and includes any roll which may replace it under the electoral law for the time being in force, whether described in such law as an “A” Roll or by any other such distinguishing expression;

“‘B’ roll of voters” means a “B” Roll prepared and kept under the electoral law in accordance with the provisions of the Second Schedule and includes any roll which may replace it under the electoral law for the time being in force, whether described in such law as a “B” Roll or by any other such distinguishing expression;

“rural constituency” means a constituency in which the majority of the voters are not resident in an urban area;

“urban area” means an area under the jurisdiction of a municipal council or a town management board or such other area as the Officer Administering the Government may, by reason of the density of the population therein, declare, by notice in the *Gazette*, to be an urban area for the purposes of this Chapter and the provisions of any such notice shall have effect as if they were enacted in this section but shall not be deemed to be an amendment of any of the provisions of this Constitution for the purposes of Chapter X.

Appointment of Delimitation Commission.

41. (1) From time to time as may be required for the purposes of this Chapter, the Officer Administering the Government shall appoint a Delimitation Commission which shall comprise the Chief Justice as Chairman and two other persons nominated by the Chief Justice as members;

Provided that a person shall not be qualified for appointment to the Delimitation Commission if he is a Member of Parliament.

(2) If, after the appointment of the Commission and before the Commission's report to the Officer Administering the Government is completed, the Chief Justice or any member is for any

reason unable to continue to act, the Officer Administering the Government shall in the case of the Chief Justice appoint some other Judge of the High Court to be Chairman or, in the case of a member, appoint as a member some other person nominated by the Chairman.

(3) Where, in regard to any matter, the members of the Commission are not unanimous, the view of the majority shall prevail.

42. (1) For the purpose of electing the Members of Parliament, the whole of Rhodesia shall be divided into fifty constituencies and also into fifteen electoral districts, the limits of which shall be determined, from time to time, by the Delimitation Commission in accordance with the provisions of this Chapter.

Number of constituencies and electoral districts.

(2) Of the fifty constituencies, not less than eighteen shall be rural constituencies.

43. (1) The boundaries of the constituencies shall be such that, at the time of delimitation, there are in each such constituency as nearly as may be an equal number of voters who are registered on the “A” Roll of voters.

Delimitation of constituencies and electoral districts.

(2) The boundaries of the electoral districts shall be such that, at the time of delimitation, there are in each such electoral district as nearly as may be an equal number of voters who are registered on the “B” Roll of voters.

(3) In dividing Rhodesia into constituencies and electoral districts in pursuance of subsections (1) and (2) of this section, the Delimitation Commission shall, in respect of any area, give due consideration to—

- (a) its physical features;
- (b) the means of communication within the area;
- (c) the geographical distribution of registered voters;
- (d) any community of interest as between voters; and
- (e) existing electoral boundaries;

and whenever it appears necessary to do so in order to give effect to the provisions of subsection (2) of section 42 or of this subsection, the Commission may depart from the requirements of subsections (1) and (2) of this section, but in no case to any greater extent than fifteen per centum more or less than an equal number of registered voters on the “A” Roll in a constituency or on the “B” Roll in an electoral district, respectively.

Report to the Officer Administering the Government.

44. (1) The Delimitation Commission shall submit to the Officer Administering the Government a report comprising—

- (a) a list of constituencies and electoral districts delimited by the Commission, with the names assigned to each and a description of their boundaries;
- (b) a map or maps showing the constituencies and electoral districts into which Rhodesia has been divided by the Commission;
- (c) any further information or particulars which the Commission considers necessary.

(2) The Officer Administering the Government may refer back to the Commission for its further consideration and final decision, any matter arising out of the Commission's report.

(3) If there shall appear to be any discrepancy between the description of the boundaries of any constituency or electoral district and the said map or maps, the description shall prevail.

Proclamation of constituencies and electoral districts.

45. From time to time when the Delimitation Commission has completed its report, the Officer Administering the Government shall, by proclamation in the *Gazette*, declare the names and boundaries of the constituencies and electoral districts as finally settled by the Commission to be the constituencies and electoral districts of Rhodesia which shall have effect for the purposes of the next and any subsequent general election held after the date of such proclamation.

Convening of the Delimitation Commission.

46. A Delimitation Commission shall be convened by the Officer Administering the Government for the purposes of this Chapter at five-yearly intervals:

Provided that a Delimitation Commission may be convened before the expiration of any five-yearly period if it appears to the Officer Administering the Government necessary to do so having regard to any substantial change in the distribution of registered voters within Rhodesia.

CHAPTER V

EXECUTIVE POWERS

Executive powers.

47. (1) The executive government of Rhodesia in regard to any aspect of its internal or external affairs is vested in Her Majesty acting on the advice of the Ministers of the Government of Rhodesia and may be exercised by the Officer Administering

the Government as the representative of Her Majesty or such other persons as may be authorized in that behalf by the Officer Administering the Government or by any law of the Legislature.

(2) For the avoidance of doubt it is hereby declared that in addition to any other powers conferred by this Constitution or any other law, the Officer Administering the Government shall have power, acting on the advice of the Ministers of the Government of Rhodesia, as the representative of Her Majesty—

- (a) to appoint and to accredit, to receive and to recognize ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers;
- (b) to enter into and ratify international conventions, treaties and agreements;
- (c) to proclaim and terminate martial law or a state of emergency;
- (d) to declare war and make peace;
- (e) to confer honours and precedence.

(3) The Officer Administering the Government, as the representative of Her Majesty, shall in addition have such powers and functions as were immediately prior to the appointed day possessed by Her Majesty by way of prerogative.

(4) Subject to the provisions of this Constitution or any other law by which such powers or duties are conferred or imposed, the Officer Administering the Government shall do and execute all things that belong to his office according to such constitutional conventions and practices applicable in the United Kingdom as may, *mutatis mutandis*, be applicable in similar circumstances in Rhodesia.

48. (1) The Officer Administering the Government—

- (a) acting in his discretion in the manner prescribed by section 50, shall appoint a Prime Minister; and
- (b) acting on the advice of the Prime Minister—
 - (i) shall appoint other Ministers of the Government and may assign functions to such Ministers, including the administration of any department of government; and
 - (ii) may appoint Deputy Ministers of any specified department of government or of such other description as the Officer Administering the Government may determine.

Ministers and Deputy Ministers.

(2) A Deputy Minister may be appointed to exercise or perform on behalf of a Minister any of the powers, functions and duties entrusted to such Minister under any law or otherwise which may, subject to the directions of the Officer Administering the Government, be assigned to him from time to time by such Minister.

(3) Any person appointed under this section shall hold office during the pleasure of the Officer Administering the Government.

(4) A person who holds office as a Minister or Deputy Minister for any period of four consecutive months without also being a Member of Parliament shall cease to be a Minister or Deputy Minister, as the case may be, at the end of that period unless that period expires at a time when Parliament is dissolved, in which case he shall cease to be a Minister or Deputy Minister, as the case may be, on the date when Parliament first meets after the dissolution, unless he is elected as a Member of Parliament at the general election following such dissolution.

(5) A person who holds office as a Minister or Deputy Minister and who is at no time while holding that office also a Member of Parliament shall be ineligible for reappointment as a Minister or Deputy Minister before Parliament is next dissolved after he ceases to hold that office, unless in the meantime he has become a Member of Parliament.

(6) A Minister or Deputy Minister may at any time by notice in writing addressed to the Officer Administering the Government and delivered to the Prime Minister resign his office.

(7) Any person appointed under this section shall before entering upon his office take before the Officer Administering the Government or some person authorized by the Officer Administering the Government in that behalf, oaths of loyalty and for the due execution of his office in the forms set out in the First Schedule.

The
Executive
Council.

49. (1) To advise the Officer Administering the Government in the government of Rhodesia, there shall be an Executive Council consisting of the Prime Minister and such other persons, being Ministers, as the Officer Administering the Government, on the advice of the Prime Minister, may from time to time appoint.

(2) A member of the Executive Council shall hold office during the pleasure of the Officer Administering the Government:

Provided that—

- (i) he shall cease to hold office if he ceases to be a Minister;
- (ii) he may at any time by notice in writing addressed to the Officer Administering the Government and delivered to the Prime Minister resign his office.

(3) Any person appointed under this section shall, before entering upon his office, take before the Officer Administering the Government or some person authorized by the Officer Administering the Government in that behalf, the oath of a member of the Executive Council in the form set out in the First Schedule.

50. (1) In the exercise of his functions, the Officer Administering the Government shall act in accordance with the advice of the Executive Council or the appropriate Minister or the Prime Minister on behalf of the Ministers of the Government of Rhodesia, as the case may require, except where under this Constitution or any other law he is required to act in accordance with the advice of any other person or authority:

Exercise of
the functions
of the
Officer
Administer-
ing the
Govern-
ment.

Provided that the Officer Administering the Government shall act in accordance with his own discretion in the appointment of a Prime Minister in pursuance of subsection (1) of section 48, but in such case the Officer Administering the Government shall observe the constitutional conventions which apply to the exercise of similar powers by Her Majesty in the United Kingdom.

(2) Where the Officer Administering the Government is required to act in accordance with his own discretion or the advice of any specified person or authority, a court shall not, in any case, inquire into any of the following questions or matters—

- (a) on whose advice the Officer Administering the Government acted;
- (b) whether any advice was tendered or acted on;
- (c) the nature of any advice tendered;
- (d) the corresponding constitutional conventions referred to in subsection (1) of this section or whether they were observed.

(3) The provisions of this Constitution or any other law referring to the Officer Administering the Government shall be construed as referring to the Officer Administering the Government acting on the advice of the Ministers or Deputy Ministers of the Government of Rhodesia or the Executive Council, as the case may be, and where he acts on the advice of any other person or body by or under this Constitution or any other law that fact may be

stated in the relevant instrument but no act of the Officer Administering the Government acting within the powers conferred on him by or under this Constitution or any other law shall be invalid by the omission to state on whose advice he has acted.

Appoint-
ment, etc.,
of officers.

51. The Officer Administering the Government, acting on the advice of the Prime Minister, may constitute such offices for Rhodesia as may lawfully be constituted and subject to the provisions of this Constitution and of any other law for the time being in force in Rhodesia, the Officer Administering the Government may—

- (a) make appointments, to be held during pleasure, to any office so constituted; and
- (b) dismiss any person so appointed or take such other disciplinary action in relation to him as the Officer Administering the Government may think fit.

Disposal
of land.

52. (1) The Officer Administering the Government may make and execute under the public seal grants and dispositions of any land or other immovable property within Rhodesia which is vested in him.

(2) Nothing herein contained shall prevent any law of the Legislature from authorizing any Minister or Deputy Minister or public officer to sign any document, permit or other instrument relating to the grant or disposition of any such land or property and to affix the public seal to any such document, permit or other instrument.

Prerogative
of mercy.

53. (1) The Officer Administering the Government may—

- (a) grant to any person concerned in or convicted of any offence to which this section applies a pardon, either free or subject to lawful conditions; or
- (b) grant to any person a respite, either indefinite or for a specified period, from the execution of any sentence passed on that person for such an offence; or
- (c) substitute a less severe form of punishment for that imposed by any sentence for such an offence; or
- (d) remit the whole or part of any sentence passed for such an offence or any penalty or forfeiture otherwise imposed on account of such an offence.

(2) The offences to which this section applies are offences against any law in force in Rhodesia.

CHAPTER VI

THE JUDICATURE

Part 1—The High Court of Rhodesia

54. There shall be a High Court of Rhodesia which shall consist of—

- (a) the appellate division of the High Court; and
- (b) the general division of the High Court.

Constitution
of the High
Court.

55. (1) There shall be a Chief Justice of Rhodesia who shall be the head of the judiciary of Rhodesia.

(2) There shall be a Judge President of the appellate division of the High Court who shall be in charge of that division and preside over it in the absence of the Chief Justice.

Chief Justice
of Rhodesia
and Judge
President of
the appellate
division.

56. (1) The appellate division of the High Court shall consist of—

- (a) the Chief Justice; and
- (b) the Judge President; and
- (c) such number of other judges of appeal, not being less than one, as the Officer Administering the Government may deem necessary; and
- (d) such judges of the appellate division as have been designated under the provisions of subsection (2) of this section.

Constitution
of the
appellate
division.

(2) If the services of an additional judge of appeal are required for a limited period, the Chief Justice may, with the consent of the Judge President, designate a person holding the office of puisne judge to be a judge of the appellate division for such period as may be specified by the Chief Justice.

(3) The appellate division shall be a superior court of record and shall have such jurisdiction and powers as may be conferred upon it by this Constitution and by any law of the Legislature.

57. (1) The general division of the High Court shall consist of—

- (a) the Chief Justice; and
- (b) such puisne judges as may from time to time be appointed.

Constitution
of the
general
division.

(2) The Judge President and other judges of appeal shall not, except with the consent of the Judge President, sit as judges of the general division.

(3) The general division shall be a superior court of record with full jurisdiction, civil and criminal, over all persons and over all matters within Rhodesia.

Qualifica-
tions of
judges.

58. (1) A person shall not be qualified for appointment as a judge of the High Court unless—

- (a) he is or has been a judge of a superior court in a country in which the common law is Roman-Dutch and English is an official language; or
- (b) he is, and has been for not less than ten years, qualified to practise as an advocate in Rhodesia or in a country in which the common law is Roman-Dutch and English is an official language.

(2) In computing, for the purpose of paragraph (b) of subsection (1) of this section, the period during which any person has been qualified to practise as an advocate, any period during which he has held judicial office after having so qualified shall be included.

(3) A judge of the High Court shall not enter upon the duties of his office unless he has taken before the Officer Administering the Government or some person authorized by the Officer Administering the Government in that behalf, the oath of loyalty and the judicial oath in the forms set out in the First Schedule.

Appoint-
ment of
judges.

59. (1) The Chief Justice shall be a person qualified for appointment under the provisions of subsection (1) of section 58 and shall be appointed by the Officer Administering the Government on the advice of the Prime Minister, by instrument under the public seal.

(2) Whenever it is proposed to appoint to the office of Chief Justice a person who does not hold the office of judge of the High Court, the Prime Minister shall, before tendering advice to the Officer Administering the Government under subsection (1) of this section, consult the person holding the office of Chief Justice (or, if the office is vacant, the person who last vacated it) and the Judge President (if he is not the person proposed to be appointed) and the other judges of the High Court:

Provided that the Prime Minister shall not be obliged to consult the person holding the office of Chief Justice or who last vacated it or the person holding the office of Judge President if by reason of infirmity of body or mind of that person or for any other reason it is impracticable to do so.

(3) The Judge President and other judges of appeal shall be appointed by the Officer Administering the Government by instrument under the public seal on the advice of the Prime Minister who shall consult—

- (a) in the case of the Judge President, the Chief Justice; and
- (b) in the case of any other judge of appeal, the Chief Justice and the Judge President.

(4) The Judge President shall be appointed from persons who hold the office of judge of appeal or puisne judge or who have held the office of judge of the Supreme Court of the Federation, and the other judges of appeal shall be appointed from persons who hold the office of puisne judge.

(5) The puisne judges shall be persons qualified for appointment under the provisions of subsection (1) of section 58 and shall be appointed by the Officer Administering the Government by instrument under the public seal, on the advice of the Prime Minister who shall consult the Chief Justice.

60. (1) If the office of Chief Justice is vacant, or if the Chief Justice is for any reason unable to perform the functions of his office, the Officer Administering the Government may, on the advice of the Prime Minister, appoint as acting Chief Justice, the Judge President, one of the other judges of the High Court, or some other person qualified under subsection (1) of section 58 for appointment as a judge.

Acting
judges.

(2) If the Judge President is appointed to act as Chief Justice under subsection (1) of this section, or if the office of Judge President is vacant, or if the Judge President is for any reason unable to perform the functions of his office, one of the other judges of appeal shall be appointed to act as Judge President.

(3) If the office of a judge of appeal, other than the Judge President, is vacant or if such judge is appointed to act as Chief Justice or Judge President, or is for any reason unable to perform the functions of his office, the Officer Administering the Government may, on the advice of the Prime Minister who shall consult the Chief Justice or acting Chief Justice, as the case may be, and the Judge President or the acting Judge President, as the case may be, appoint a person holding the office of puisne judge to act as a judge of appeal.

(4) If the office of a puisne judge is vacant, or if any such judge is appointed to act as Chief Justice or Judge President, or is designated as a judge of the appellate divi-

sion under the provisions of subsection (2) of section 56, or is for any reason unable to perform the functions of his office, or if the services of an additional puisne judge are required for a limited period, the Officer Administering the Government may, on the advice of the Prime Minister who shall consult the Chief Justice or the acting Chief Justice, as the case may be, appoint a person qualified under subsection (1) of section 58 for appointment as a judge, to act as a puisne judge.

(5) A person not holding the office of judge of the High Court who is appointed to act as Chief Justice and any person who is appointed to act as a puisne judge under this section shall, subject to the provisions of section 62, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Officer Administering the Government on the advice of the Prime Minister who, in the case of an acting puisne judge, shall consult the Chief Justice:

Provided that any person mentioned in this subsection may resign his acting office at any time by writing under his hand addressed to the Officer Administering the Government.

(6) Any person appointed to act as a judge under the provisions of this section may, notwithstanding that the period of his appointment has expired or his appointment has been revoked, sit as a judge for the purpose of giving judgment or otherwise in relation to any proceeding heard by him while he was so acting.

61. (1) Subject to the provisions of section 62, each judge of the High Court shall retire when he attains the age of sixty-five years, unless he elects to retire on attaining the age of seventy years. Such election shall be subject to the submission to and acceptance by the Officer Administering the Government of a medical report as to the judge's mental and physical fitness so to continue in office:

Provided that the provisions of this subsection shall not apply to any person referred to in subsection (5) of section 60 who is appointed to act as Chief Justice or as a puisne judge.

(2) A judge of the High Court may at any time resign his office by writing under his hand addressed to the Officer Administering the Government.

(3) The office of a judge of the High Court shall not, without his consent, be abolished during his tenure of office.

(4) Nothing done by a judge of the High Court shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

62. (1) A judge of the High Court may be removed from office by the Officer Administering the Government by order under the public seal only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed unless the question of the removal of that judge from office has been referred to an independent tribunal and that tribunal has recommended that the judge be removed from office for inability as aforesaid or misbehaviour.

Removal of judges.

(2) If the Prime Minister (in the case of the Chief Justice or the Judge President), or the Judge President (in the case of a judge of appeal), or the Chief Justice (in the case of any other judge), advises the Officer Administering the Government that the question of removing a judge of the High Court from office for inability as aforesaid or misbehaviour ought to be investigated, then—

- (a) the Officer Administering the Government shall appoint a tribunal which shall consist of a chairman and not less than two other members selected by the Officer Administering the Government from among persons who have held office as a judge of the High Court or who hold or have held office as a judge of a superior court of the United Kingdom or of a country in which the common law is Roman-Dutch and English is an official language; and
- (b) that tribunal shall inquire into the matter and report on the facts thereof to the Officer Administering the Government and recommend to the Officer Administering the Government whether or not that judge should be removed; and
- (c) if the tribunal recommends that the judge be removed, the Officer Administering the Government shall act as provided in subsection (1) of this section.

(3) The provisions of the Commissions of Inquiry Act [Chapter 61], or any other law substituted for the same shall apply, *mutatis mutandis*, in relation to a tribunal appointed under subsection (2) of this section as they apply to commissioners appointed under that Act, and for that purpose those provisions shall have effect as if they formed part of this Constitution:

Provided that a law which amends, adds to or repeals or is substituted for any such provision shall not be deemed to be an amendment of any of the provisions of this Constitution for the purposes of Chapter X.

Tenure of office of judges.

(4) If the question of removing a judge of the High Court from office has been referred to a tribunal under subsection (2) of this section, the Officer Administering the Government acting in accordance with the advice of the Prime Minister (in the case of the Chief Justice or the Judge President), or of the Judge President (in the case of a judge of appeal), or of the Chief Justice (in the case of any other judge), may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Officer Administering the Government and shall in any case cease to have effect if the tribunal does not recommend to the Officer Administering the Government that the judge be removed from office.

(5) Nothing in this section contained shall affect the power of the Officer Administering the Government to revoke the appointment of an acting judge in accordance with the provisions of subsection (5) of section 60.

Remuneration of the judges.

63. (1) There shall be charged upon and paid out of the Consolidated Revenue Fund to the judges of the High Court such salary as may from time to time be prescribed by a law of the Legislature and such allowances as may be prescribed by or under any such law.

(2) The salary of any such judge shall not be reduced during his continuance in office.

Law to be administered.

64. Subject to the provisions of any law for the time being in force in Rhodesia relating to the application of customary law, the law to be administered by the High Court and by any courts in Rhodesia subordinate to the High Court shall be the law in force in the Colony of the Cape of Good Hope on the tenth day of June, 1891, as modified by subsequent legislation having in Rhodesia the force of law.

Part 2—Appeals

Appeals to appellate division to be final.

65. (1) There shall be no appeal—

- (a) from any judgment or order of the appellate division of the High Court of Rhodesia given on appeal from any court in Rhodesia; or
- (b) from any judgment or order of the appellate division of the High Court of Rhodesia given otherwise than on appeal to the said appellate division; or
- (c) from any judgment or order of any court in Rhodesia other than to such appellate division.

(2) No court and no person in Rhodesia shall be bound by any judgment, order, ruling or opinion given by any tribunal, court, person or authority outside Rhodesia after the appointed day, so however, that the provisions of this subsection shall not apply to any judgment, order, ruling or opinion given by Her Majesty in Council in connexion with an appeal against a judgment or order of the appellate division of the High Court of Southern Rhodesia which was pending before Her Majesty in Council immediately prior to the appointed day.

CHAPTER VII

THE DECLARATION OF RIGHTS

Whereas it is desirable to ensure that every person in Rhodesia enjoys the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, tribe, place of origin, political opinions, colour or creed, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- (a) life, liberty, security of the person, the enjoyment of property and the protection of the law;
- (b) freedom of conscience, of expression, and of assembly and association; and
- (c) respect for his private and family life;

the following provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms subject to the limitations of that protection contained in those provisions.

66. (1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.

Protection of right to life.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use of force to such extent as is reasonably justifiable in the circumstances of the case—

- (a) for the defence of any person from violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) for the purpose of suppressing a riot, insurrection or mutiny or of dispersing an unlawful gathering; or

- (d) in order to prevent the commission by that person of a criminal offence;

or if he dies as the result of a lawful act of war.

(3) It shall be sufficient justification for the purposes of subsection (2) of this section in any case to which that subsection applies if it is shown that the force used did not exceed that which might lawfully have been used in the circumstances of that case under the law in force immediately before the appointed day.

Protection of right to personal liberty.

67. (1) No person shall be deprived of his personal liberty save as may be authorized by law.

(2) No law shall authorize any person to be deprived of his liberty save in the following cases, that is to say—

- (a) in consequence of his unfitness to plead to a criminal charge;
- (b) in execution of the sentence or order of a court, whether in Rhodesia or elsewhere, in respect of a criminal offence of which he has been convicted;
- (c) in execution of the order of a court of record in Rhodesia punishing him for contempt of that court or of a court inferior to it;
- (d) in execution of the order of a court made in order to secure the fulfilment of an obligation imposed on him by law (including any African customary law);
- (e) for the purpose of bringing him before a court in execution of the order of a court or an officer of a court;
- (f) upon reasonable suspicion of his having committed or being about to commit a criminal offence;
- (g) under the order of a court or with the consent of his parent or guardian, for the purpose of his education or welfare during a period beginning before he attains the age of twenty-one years and ending not later than the date when he attains the age of twenty-three years;
- (h) for the purpose of preventing the spread of an infectious or contagious disease;
- (i) if he is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care, treatment or rehabilitation or the protection of the community;
- (j) for the purpose of preventing the unlawful entry of that person into Rhodesia, or for the purpose of effecting

the expulsion, extradition or other lawful removal of that person from Rhodesia, or the taking of proceedings relating thereto;

- (k) to such extent as may be necessary for the execution of a lawful order requiring that person to remain within a specified area within Rhodesia or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable—

- (i) for the taking of proceedings against that person relating to the making of such an order; or
- (ii) for restraining that person during any visit which he is permitted to make to any part of Rhodesia in which, in consequence of such an order, his presence would otherwise be unlawful.

(3) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language which he understands, of the reasons for his arrest or detention.

(4) Any person who is arrested or detained—

- (a) for the purpose of bringing him before a court in execution of the order of a court or an officer of a court; or
- (b) upon reasonable suspicion of his having committed or being about to commit a criminal offence;

and who is not released shall be brought without undue delay before a court; and if any person arrested or detained as mentioned in paragraph (b) of this subsection is not tried within a reasonable time, then, without prejudice to any further proceedings which may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(5) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

68. (1) No person shall be held in slavery or servitude or required to perform forced labour.

Protection from slavery and forced labour.

(2) For the purposes of this section, the expression "forced labour" does not include—

- (a) any labour required in consequence of the sentence or order of a court;

- (b) labour required of any person while he is lawfully detained which though not required in consequence of the sentence or order of a court—
 - (i) is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained; or
 - (ii) if he is detained for the purpose of his care, treatment, rehabilitation, education or welfare, is reasonably required for that purpose;
- (c) any labour required of a person who is a member of any naval, military or air force, or who is otherwise subject to any disciplinary law in pursuance of his duties as a member of that force or under that law, or any labour required of any person by virtue of a written law in lieu of service as a member of such a force;
- (d) any labour required by virtue of a written law during a period of public emergency or in the event of any other emergency or calamity which threatens the life or well-being of any section of the community; or
- (e) any labour which forms part of normal communal or other civic obligations.

Protection from inhuman treatment.

69. (1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) No treatment reasonably justifiable in the circumstances of the case to prevent the escape from custody of a person who has been lawfully detained shall be held to be in contravention of this section on the ground that it is degrading.

(3) Nothing contained in or done under the authority of any written law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the doing of anything by way of punishment or other treatment which might lawfully have been so done in Rhodesia immediately before the appointed day.

Protection from deprivation of property.

70. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the conditions hereinafter mentioned are satisfied.

(2) The conditions referred to in subsection (1) of this section are that—

- (a) the taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of that or other property in such a manner as to promote the benefit of the public generally or of the inhabitants generally of a particular area; and
- (b) provision is made by a written law applicable to that taking of possession or acquisition—
 - (i) for the payment of proper compensation within a reasonable time; and
 - (ii) securing to any person claiming to have an interest in or right over the property a right of access to a court or other adjudicating authority for the determination of his interest or right, if any, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining payment of that compensation within a reasonable time.

(3) If, in any proceedings by virtue of section 80, it is alleged that the condition specified in paragraph (a) of subsection (2) of this section is not satisfied and a certificate in writing is produced to the court signed by a Minister of the Government of Rhodesia that in the opinion of that Minister the taking of possession or acquisition is necessary on such of the grounds mentioned in the said paragraph (a) as is specified in the certificate, it shall be deemed to be so necessary unless the court decides as the result of hearing the complainant that, in the circumstances of the case, it would not be reasonable to accept without proof to the satisfaction of the court the necessity of the taking of possession or acquisition on the grounds stated in the certificate.

(4) Nothing in this section shall be construed as affecting the making or operation of any law so far as it provides for the taking of possession of, or the acquisition of any interest in or right over, property—

- (a) in satisfaction of any tax, rate or due;
- (b) by way of penalty for breach of any law (including any African customary law) whether under civil process or after conviction of an offence;
- (c) upon the attempted removal of the property in question out of or into Rhodesia in contravention of any law;

- (d) as an incident of a contract (including a lease or mortgage) or of a title deed to land;
- (e) for the purpose of its administration, care or custody on behalf and for the benefit of the person entitled to the beneficial interest therein;
- (f) by way of the vesting of enemy property, or for the purpose of the administration of such property;
- (g) as an incident of—
 - (i) a composition in insolvency accepted or agreed to by a majority in number of creditors who have proved claims and by a number of creditors whose proved claims represent in value more than fifty per centum of the total value of proved claims; or
 - (ii) a deed of assignment entered into by a debtor with his creditors;
- (h) in the execution of judgments or orders of courts;
- (i) by reason of the property in question being in a dangerous state or prejudicial to the health or safety of human beings, animals or plants;
- (j) in consequence of any law with respect to the limitation of actions, acquisitive prescription or derelict land;
- (k) as a condition in connexion with the granting of permission for the utilization of that or other property in any particular manner;
- (l) for the purpose of, or in connexion with, the prospecting for or exploitation of minerals which are vested in the Officer Administering the Government on terms which provide for the respective interests of the persons affected;
- (m) in pursuance of provision for the marketing of property of that description in the common interests of the various persons otherwise entitled to dispose of that property;
- (n) by way of the taking of a sample for the purposes of any law;
- (o) by way of the acquisition of the shares, or a class of shares, in a body corporate on terms agreed to by the holders of not less than nine-tenths in value of those shares or that class thereof;
- (p) where the property consists of an animal, upon its being found trespassing or straying;

- (q) for so long only as may be necessary for the purpose of any examination, investigation, trial or inquiry or, in the case of land, the carrying out thereon—
 - (i) of work for the purpose of the conservation of natural resources of any description; or
 - (ii) of agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable and lawful excuse refused or failed, to carry out.

(5) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate in which no moneys are invested other than moneys provided by the Legislature.

71. (1) Except with his own consent or by way of parental discipline, no person shall be subjected to the search of his person or to entry into or the search of his dwelling-house.

Protection for privacy of home and other property.

(2) Nothing contained in, and nothing reasonably done under the authority of, any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is necessary—

- (a) for the enforcement of the law in a case where there are reasonable grounds to suspect that a criminal offence has been, is being, or is about to be committed by the person or in the dwelling-house in question, or that a person who has committed a criminal offence, or evidence relating to such an offence, is to be found in that dwelling-house;
- (b) otherwise in the interests of defence, public safety, public order, public morality, public health or town and country planning;
- (c) to enable any public authority or any body corporate established directly by law to enter the dwelling-house in question in order to carry out work connected with any property of that authority or body which is lawfully in that dwelling-house;
- (d) for the purpose of the valuation of the dwelling-house in question in connexion with any tax, rate or due; or
- (e) for the purpose of protecting the rights and freedoms of other persons.

(3) If, in any proceedings by virtue of section 80, it is alleged that anything contained in or done under the authority of any law is inconsistent with or in contravention of subsection (1) of this section and a certificate in writing is produced to the court signed by a Minister of the Government of Rhodesia that in the opinion of that Minister the law in question is necessary on such of the grounds mentioned in subsection (2) of this section as is specified in the certificate, that law shall be deemed to be so necessary unless the court decides as the result of hearing the complainant that, in a society which has a proper respect for the rights and freedoms of the individual, the necessity of that law on the grounds specified in the certificate cannot reasonably be accepted without proof to the satisfaction of the court.

Provisions
to secure
protection
of law.

72. (1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Every person who is charged with a criminal offence—

- (a) shall be presumed to be innocent until he is proved or has pleaded guilty;
- (b) shall be informed as soon as reasonably practicable, in a language which he understands and in detail, of the nature of the offence charged;
- (c) shall be given adequate time and facilities for the preparation of his defence;
- (d) shall be permitted to defend himself in person or, at his own expense, by a legal representative of his own choice;
- (e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before any court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before that court on the same conditions as those applying to witnesses called by the prosecution; and
- (f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge;

and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) When a person is tried for any criminal offence, the accused person or any person authorized by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission which did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence which is severer in degree or description than the maximum penalty which might have been imposed for that offence at the time when it was committed.

(5) No person who shows that he has been tried by a competent court for a criminal offence upon a good indictment, summons or charge upon which a valid judgment could be entered, and either convicted or acquitted on the merits in fact or in law and not on a technicality, shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save—

- (a) where a conviction and sentence of a court subordinate to the High Court are set aside on appeal or review on the grounds that evidence was admitted which should not have been admitted or that evidence was rejected which should have been admitted or on the ground of any other irregularity or defect in the procedure; or
- (b) otherwise upon the order of a superior court in the case of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) Any court or other adjudicating authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(9) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before

any other adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

(10) Nothing in subsection (9) of this section shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

- (a) may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory civil proceedings; or
- (b) may be empowered by law so to do in the interests of defence, public safety, public order, public morality, the welfare of persons under the age of twenty-one years or the protection of the private lives of persons concerned in the proceedings;

and notwithstanding anything in the said subsection (9) or in subsection (3) of this section, if in any proceedings before such a court or other adjudicating authority as is referred to in subsection (1) or (8) of this section (including any proceedings by virtue of section 80) a certificate in writing is produced to the court or other authority signed by a Minister of the Government of Rhodesia that it would not be in the public interest for any matter to be publicly disclosed, the court or other authority shall make arrangements for evidence relating to that matter to be heard *in camera* and shall take such other action as may be necessary or expedient to prevent the disclosure of that matter.

(11) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

- (a) paragraph (a) of subsection (2) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;
- (b) paragraph (e) of the said subsection (2) to the extent that the law in question imposes conditions which must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds;
- (c) subsection (5) of this section to the extent that the law in question authorizes a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member

under the appropriate disciplinary law, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law;

- (d) subsection (7) of this section to the extent that the law in question authorizes the cross-examination or recall of any person being tried for a criminal offence after he has been called as a witness with his own consent.

(12) In this section, the expression “legal representative” means a person entitled to practise in Rhodesia as an advocate or, except in relation to proceedings before a court in which an attorney has no right of audience, as an attorney.

73. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, that is to say, freedom of thought and of religion, freedom to change his religion or belief, and freedom, whether alone or in community with others, and whether in public or in private, to manifest and propagate his religion or belief through worship, teaching, practice and observance.

Protection of freedom of conscience.

(2) Except with his own consent (or, if he is a minor, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination.

(4) Nothing contained in, and nothing reasonably done under the authority of, any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision which is necessary—

- (a) in the interests of defence, public safety, public order, public morality or public health; or
- (b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of other persons.

(5) If, in any proceedings by virtue of section 80, it is alleged that anything contained in or done under the authority of any law is inconsistent with or in contravention of subsection (1) of this section and a certificate in writing is produced to the court signed by a Minister of the Government of Rhodesia that in the opinion of that Minister the law in question is necessary on such of the grounds mentioned in subsection (4) of this section as is specified in the certificate, that law shall be deemed to be so necessary unless the court decides as the result of hearing the complainant that, in a society which has a proper respect for the rights and freedoms of the individual, the necessity of that law on the grounds specified in the certificate cannot reasonably be accepted without proof to the satisfaction of the court.

Protection
of freedom
of
expression.

74. (1) Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

(2) Nothing contained in, and nothing reasonably done under the authority of, any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision—

(a) which is necessary—

(i) in the interests of defence, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainments; or

(iii) in the case of correspondence, for the purpose of preventing the unlawful despatch therewith of other matter; or

(b) which imposes restrictions upon public officers which are necessary in the public interest.

(3) If, in any proceedings by virtue of section 80, it is alleged that anything contained in or done under the authority of any law is inconsistent with or in contravention of subsection (1) of this section and a certificate in writing is produced to the court

signed by a Minister of the Government of Rhodesia that in the opinion of that Minister the law in question is necessary on such of the grounds mentioned in paragraph (a) of subsection (2) of this section as is specified in the certificate or, as the case may be, any restrictions imposed by the law in question upon public officers are necessary in the public interest, that law or, as the case may be, those restrictions shall be deemed to be so necessary unless the court decides as the result of hearing the complainant that, in a society which has a proper respect for the rights and freedoms of the individual, the necessity of that law on the grounds specified in the certificate or, as the case may be, the necessity of those restrictions cannot be reasonably accepted without proof to the satisfaction of the court.

75. (1) Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

Protection
of freedom
of assembly
and
association.

(2) Nothing contained in, and nothing reasonably done under the authority of, any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision—

(a) which is necessary—

(i) in the interests of defence, public safety, public order, public morality or public health; or

(ii) for the purpose of protecting the rights and freedoms of other persons; or

(b) which imposes restrictions upon public officers which are necessary in the public interest.

(3) If, in any proceedings by virtue of section 80, it is alleged that anything contained in or done under the authority of any law is inconsistent with or in contravention of subsection (1) of this section and a certificate in writing is produced to the court signed by a Minister of the Government of Rhodesia that in the opinion of the Minister the law in question is necessary on such of the grounds mentioned in paragraph (a) of subsection (2) of this section as is specified in the certificate or, as the case may be, that any restrictions imposed by that law upon public officers are necessary in the public interest, that law or, as the case may be, those restrictions shall be deemed to be so necessary unless the court decides as a result of hearing the complainant that in a

society which has a proper respect for the rights and freedoms of the individual, the necessity of that law on the grounds specified in the certificate or, as the case may be, the necessity of those restrictions cannot reasonably be accepted without proof to the satisfaction of the court.

Protection from discrimination by written laws.

76. (1) No written law shall contain any discriminatory provision.

(2) For the purposes of this section a provision shall be regarded as discriminatory if by or as an inevitable consequence of that provision persons of a particular description by race, tribe, colour or creed are prejudiced—

- (a) by being subjected to a condition, restriction or disability to which persons of another such description are not made subject; or
- (b) by the according to persons of another such description of a privilege or advantage which is not accorded to persons of the first-mentioned description;

and the imposition of that condition, restriction or disability or the according of that privilege or advantage is wholly or mainly attributable to the description by race, tribe, colour or creed of the persons concerned.

(3) Subsection (1) of this section shall not apply to any law to the extent that it relates to any of the following matters, that is to say—

- (a) any matter such as is mentioned in any of paragraphs (a) to (f) of the definition of a Money Bill contained in section 92;
- (b) adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law;
- (c) the application in the case of Africans of a particular race or tribe indigenous to Rhodesia of their customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons;
- (d) restrictions on entry into or employment in Rhodesia or on the acquisition of, or of interests in or rights over, immovable property in Rhodesia, or on the enjoyment of services provided out of Rhodesian public funds, in the case of persons who are neither citizens of Rhodesia, nor regarded by virtue of a written law as permanently resident in Rhodesia;

- (e) qualifications (not being qualifications by way of race, tribe, colour or creed) for service as a public officer or as a member of a disciplined force or for the service of any public authority or of any body corporate established directly by a law;

or to the extent that it makes provision with respect to persons of a particular description relating to a matter in the case of which the Federal Legislature has legislated with respect to persons of other descriptions but not that description.

(4) Subsection (1) of this section shall not apply to any law to the extent that it makes provision whereby persons of a particular description are subjected to any condition, restriction or disability or are accorded any privilege or advantage which, having regard to such of the following matters as are relevant to the circumstances of the case, that is to say—

- (a) the nature of the condition, restriction, disability, privilege or advantage, as the case may be;
- (b) any special circumstances appertaining to persons of that or any other description;
- (c) the stage of social or economic development for the time being reached by the various descriptions of persons affected; and
- (d) the state for the time being of the economy of Rhodesia;

is reasonably justifiable either in the interests of Rhodesia as a whole or in order to secure the protection, in an equitable manner as between the various descriptions of persons affected, of their respective interests:

Provided that this subsection shall not apply to the extent that the law in question results in the laws with respect to the matter in question affording greater difference of treatment of different descriptions of persons than immediately before the date of the making of the law in question.

(5) No provision which is held by virtue of paragraph (b) or (e) of subsection (2) of section 71, subsection (4) of section 73, subsection (2) of section 74, or subsection (2) of section 75, not to be inconsistent with the said section 71, 73, 74 or 75, as the case may be, shall be held to contravene subsection (1) of this section.

77. (1) No person acting by virtue of any written law in the capacity of a public officer or officer of any public authority shall perform any executive or administrative act in such a manner that any person of a particular description by race, tribe, colour or creed is prejudiced—

Protection from discriminatory action.

- (a) by being subjected to a condition, restriction or disability to which a person of another such description is not made subject; or
- (b) by the according to a person of another such description of a privilege or advantage which is not accorded to that person;

where the imposition of that condition, restriction or disability or the according of that privilege or advantage is wholly or mainly attributable to the description by race, colour or creed of the persons concerned.

(2) Subsection (1) of this section shall not apply to anything which—

- (a) is expressly or by necessary implication authorized to be done by any law to which subsection (3), (4) or (5) of section 76 applies; or
- (b) is done under the authority of any other law in such circumstances that, if the doing of that thing in those circumstances had been expressly or by necessary implication authorized by that law, subsection (4) of the said section 76 would have applied thereto.

(3) Nothing in this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court vested in any person by or under this Constitution or any other law.

Saving for periods of public emergency.

78. (1) Nothing contained in any law shall be held to be inconsistent with or in contravention of any of the following provisions of this Chapter, that is to say, section 67, 70, 71, 72 (other than subsection (4) thereof), 73, 74, 75, 76 or 77 to the extent that the law in question makes provision with respect to the taking during any period of public emergency of action for the purpose of dealing with any situation arising during that period; and nothing done by any person under the authority of any such law shall be held to be in contravention of any of the said provisions unless it is shown that the action taken exceeded anything which, having due regard to the circumstances prevailing at the time, could reasonably have been thought to be required for the purpose of dealing with the situation in question.

(2) If any person who is lawfully detained only by virtue of such a law as is mentioned in subsection (1) of this section so requests at any time during the period of that detention not earlier than twelve months after he last made such a request during that period, his case shall be submitted to a tribunal for their recom-

mendations concerning the necessity or expediency of continuing his detention but, unless it is otherwise provided by law, the authority by whom the detention was ordered shall not be obliged to act in accordance with any such recommendations.

(3) Any such tribunal as aforesaid shall be established by law and include among its members at least one person who holds or has held high judicial office in Rhodesia or elsewhere or who is an advocate or attorney of the High Court of not less than seven years' standing.

79. (1) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of any of the provisions of sections 66 to 77—

Other special savings.

- (a) if the law in question was one with respect to which the requirements of section 116 were applicable and were complied with; or
- (b) if the law in question was in force immediately before the 1st November, 1962 and has continued in force at all times since that day; or
- (c) in the case of a written law, to the extent that it repeals and re-enacts any provision which has been contained in a written law at all times since immediately before that day.

(2) In relation to any person who is a member of a disciplined force (including any visiting force which is lawfully present in Rhodesia) or who is otherwise subject to a disciplinary law, nothing contained in or done under the authority of the appropriate disciplinary law shall be held to be inconsistent with or in contravention of any of the provisions of the said sections 66 to 77 other than section 68 or 69.

(3) For the avoidance of doubt it is hereby declared that nothing contained in or done under the authority of any Federal law shall be held to be inconsistent with or in contravention of any of the provisions of the said sections 66 to 77.

80. (1) If any person alleges that any of the provisions of sections 66 to 77 has been or is being contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, but subject to subsection (3) of this section, that person may apply to the appellate division of the High Court for redress.

Enforcement of Declaration of Rights.

(2) If in any proceedings in the general division of the High Court or in any court subordinate to the High Court any question arises as to the contravention of any of the provisions of the said sections 66 to 77, the person presiding in that court may, and if so requested by any party to the proceedings shall, refer the question to the appellate division of the High Court, so, however, that he shall not be required to comply with any such request which in his opinion is merely frivolous or vexatious.

(3) Where in any proceedings such as are mentioned in subsection (2) of this section any such question as is therein mentioned is not referred to the appellate division of the High Court, then, without prejudice to the right to raise that question on any appeal from the determination of the court in those proceedings, no application for the determination of that question shall lie to the appellate division of the High Court under subsection (1) of this section.

(4) The appellate division of the High Court shall have original jurisdiction—

- (a) to hear and determine any application made by any person in pursuance of subsection (1) of this section; and
- (b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (2) of this section;

and for the purposes of that jurisdiction or of the determination on such an appeal as is mentioned in subsection (3) of this section of any question such as is therein mentioned, the appellate division of the High Court may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of the said sections 66 to 77 to the protection of which the person concerned is entitled:

Provided that the court shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(5) Where any person—

- (a) makes an application to the appellate division of the High Court under subsection (1) of this section with respect to, or to a provision contained in, a written law and that law or provision is one in the case of which the Constitutional Council has made an adverse report; or

- (b) raises any question with respect to such a law or provision which is referred to the appellate division of the High Court in pursuance of subsection (2) of this section;

then, if he obtains from the Constitutional Council a certificate in writing that in the opinion of the Council the application or question, as the case may be, constitutes a proper and suitable test case for determining the validity of that law or provision, any costs certified by the court determining the application or question, as the case may be, as having been reasonably incurred by that person in connexion therewith shall be refunded to that person by the Constitutional Council; and any sums required by that Council for the purposes of this subsection shall be charged on and paid out of the Consolidated Revenue Fund.

(6) If in any proceedings by virtue of this section, it falls to be determined whether any law is inconsistent with any of the provisions of the said sections 66 to 77, the Attorney-General shall be entitled to be heard by the court on that question.

(7) Where any provision of any law is held by a competent court to be inconsistent with any of the provisions of the said sections 66 to 77, any person detained in custody under that provision shall be entitled as of right to make an application to a competent superior court for the purpose of questioning the validity of his further detention, notwithstanding that he may have previously appealed against his conviction or sentence or that any time prescribed for the filing of such an appeal may have expired.

(8) A law of the Legislature may make provision with respect to the practice and procedure of the appellate division of the High Court for the purposes of this section and may confer upon that court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(9) Rules of court making provision with respect to the practice and procedure of the appellate division of the High Court for the purposes of this section may be made by the person or authority for the time being having power to make rules of court with respect to the practice and procedure of that court generally.

81. (1) In this Chapter, save where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

Interpreta-
tion of
Declaration
of Rights.

“African customary law” means the customary law of Africans of a particular race or tribe indigenous to Rhodesia;

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law in Rhodesia other than a court established under a disciplinary law;

“disciplinary law” means a written law providing for the regulation of the discipline—

- (a) of any disciplined force; or
- (b) of persons serving prison sentences;

“disciplined force” means—

- (a) a naval, military or air force; or
- (b) a police force; or
- (c) a prison service; or
- (d) any other body established for public purposes by a written law providing for the regulation of the discipline of that body and declared by that law to be a disciplined force for the purposes of this Chapter;

“law” means—

- (a) any provision of any law passed by the Legislature of Rhodesia or of Southern Rhodesia;
- (b) any provision of any instrument having the force of law made in the exercise of a power conferred by that Legislature;
- (c) any unwritten law in force in Rhodesia other than African customary law;

and “lawful” and “lawfully” shall be construed accordingly;

“member”, in relation to a disciplined force, includes any person who, under a written law relating to the discipline of that force, is subject to that discipline;

“parental discipline” includes school or other quasi-parental discipline.

(2) In this Chapter, the expression “period of public emergency” means—

- (a) any period during which Rhodesia is at war and the period immediately following thereon until such date as may be declared by the Officer Administering the Government by proclamation as the end of the period of public emergency caused by that war; or
- (b) any period not exceeding three months during which a state of emergency is declared to exist in Rhodesia or in any part thereof by virtue of a proclamation issued in terms of any law for the time being in force relating to emergency powers, the reasons for the issue thereof having been communicated to Parliament as soon as possible after the issue thereof, or by virtue of a further proclamation so issued on a resolution of Parliament; or
- (c) any period with respect to which Parliament has passed a resolution declaring such a period to have existed from such date as may be specified in the resolution, which may be a date before that of the passing of the resolution;

and a period of emergency declared by a resolution under paragraph (c) of this subsection shall end on the expiration of the period of three months beginning with the date of the passing of the resolution, but may be extended from time to time for a further period not exceeding three months, or may be terminated at any time by a further resolution of Parliament.

(3) Any proclamation or resolution under subsection (2) of this section declaring a period of public emergency to be terminated and any resolution under that subsection extending such a period may provide for the termination or extension of the period either for all purposes or for such purposes only as may be specified in the proclamation or resolution.

CHAPTER VIII

THE CONSTITUTIONAL COUNCIL.

Part 1—Composition

82. There shall be established a body for Rhodesia to be known as the Constitutional Council which shall consist of a Chairman and eleven elected members including at least—

- (a) two Europeans;
- (b) two Africans;

Establishment of Constitutional Council.

- (c) one Asian;
- (d) one person belonging to the Coloured community; and
- (e) two persons, each of whom shall be either an advocate or attorney who has been qualified to practise as such in Rhodesia for not less than ten years.

Appoint-
ment and
qualifica-
tions of the
Chairman
of the
Con-
stitutional
Council.

83. (1) The Chairman of the Constitutional Council shall be appointed by instrument under the public seal by the Officer Administering the Government on the advice of the Chief Justice who shall first consult the other judges of the High Court.

(2) No person shall be eligible for appointment as Chairman of the Council unless he is a citizen of Rhodesia and—

- (a) has been a judge of the High Court of Rhodesia or of the Federal Supreme Court or of a superior court of a country in which the common law is Roman-Dutch and English is an official language; or
- (b) is an advocate or attorney who has been qualified to practise as such in Rhodesia for not less than fifteen years and has retired from, or is not in, practice as such.

(3) Unless he shall sooner resign by writing addressed to the Officer Administering the Government, the Chairman of the Council shall, subject to the provisions of subsection (4) of this section, hold office for a period of seven years and shall not be eligible for re-appointment.

(4) The Chairman of the Council may be removed from office by the Officer Administering the Government by order under the public seal only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the procedure prescribed by section 62 as if he were holding office as Chief Justice of the High Court of Rhodesia.

Election and
term of
office of
members
of the Con-
stitutional
Council.

84. (1) The eleven members of the Constitutional Council shall be elected from time to time in accordance with the provisions of this section and sections 89 and 90.

(2) Unless he shall sooner vacate his seat under the provisions of subsection (2) of section 86, a member of the Council shall, subject to the provisions of subsection (4) of this section, hold office for a period of six years and shall not be eligible for re-election.

(3) Elections for membership of the Constitutional Council shall take place at intervals of three years and the periodical changes in the composition of the Council shall be so arranged that five members shall complete their term of office at one triennial election and six members shall complete their term of office at the next following triennial election.

(4) Casual vacancies shall be filled as they occur by election in accordance with the provisions of sections 89 and 90. The term of office of any person who is elected to fill a casual vacancy in the membership of the Council shall expire on the date on which the term of office of the member whom he replaces would have expired and such person shall not be eligible for re-election.

85. No person shall be eligible to be elected a member of the Constitutional Council unless—

Qualifica-
tions for
members.

- (a) he is of the age of thirty-five years or over; and
- (b) he is a citizen of Rhodesia; and
- (c) he has resided in Rhodesia for a period of not less than ten out of the fifteen years immediately prior to his election.

86. (1) A person shall be disqualified for election as a member of the Constitutional Council, who—

Disqualifica-
tions of
members.

- (a) within five years prior to his election, is or has been a Member of Parliament or has been a Member of the Legislative Assembly of Southern Rhodesia or of the Federal Assembly, or is or has been a candidate for election to Parliament or has been a candidate for election to the Legislative Assembly of Southern Rhodesia or the Federal Assembly; or
- (b) is an undischarged bankrupt or insolvent under any law in force in Rhodesia; or
- (c) is, under any law in force in Rhodesia, certified to be insane or otherwise adjudged to be of unsound mind or detained as a criminal lunatic; or
- (d) is under a sentence of death or imprisonment (whether or not he is at the material time serving such sentence of imprisonment); or
- (e) holds any public office or is a member, or is in the employment of any public or local authority; or
- (f) has previously held office as Chairman or member of the Constitutional Council.

(2) The seat of a member of the Constitutional Council shall become vacant—

- (a) if he resigns his seat by writing addressed to the Chairman;
- (b) if he is absent from five consecutive meetings of the Council without the leave of the Chairman;
- (c) if any circumstances arise that, if he were a Member of Parliament, his seat would become vacant in pursuance of paragraph (d), (e) or (f) of subsection (1) of section 20;
- (d) if he accepts any public office or becomes a member of or is employed by any public or local authority;
- (e) if he becomes a candidate for election to Parliament;
- (f) if he is removed from office under the provisions of section 88.

(3) The provisions of section 21 relating to the vacation of his seat by a Member of Parliament on being convicted for a criminal offence and sentenced to death or to a term of imprisonment of six months or more and the requirement that he shall cease forthwith to exercise his functions as a Member shall apply *mutatis mutandis* to members of the Constitutional Council.

(4) The office of Chief shall not be deemed to be a public office for the purposes of this section.

(5) If it shall be provided by any law of the Legislature that any specified body shall or shall not be deemed to be a public or local authority for the purposes of this section, this section shall have effect as if that law were enacted herein:

Provided that such law or amendment of any such law shall not be deemed to be an amendment of any of the provisions of this Constitution for the purposes of Chapter X.

87. Before any person who has been appointed Chairman or elected a member of the Constitutional Council enters upon the duties of his office, he shall take and subscribe before a judge of the High Court, the oaths of loyalty and of secrecy in the forms set out in the First Schedule.

88. (1) If the Officer Administering the Government has reason to believe that a member of the Constitutional Council has disclosed, without the authority of the Chairman, any proceedings of the Council to any person who is not a member of the Council or has in any other manner acted improperly in his capacity as

a member of the Council, the Officer Administering the Government shall cause the matter to be inquired into under the provisions of the Commissions of Inquiry Act [*Chapter 61*] or any other law hereafter replacing the same, and may thereupon by order under his hand suspend such member from the exercise of his functions as a member of the Council, pending the decision of the Officer Administering the Government on the findings of the Commission of Inquiry.

(2) After inquiring into the matter, the Commission of Inquiry shall recommend to the Officer Administering the Government whether or not such member should be removed from office, and in the event of the Commission so recommending (but not otherwise), the Officer Administering the Government shall by order under the public seal remove the member from the Council.

(3) In the case of a member of the Council who is an advocate or attorney, improper conduct for the purposes of this section shall be deemed to include any conduct which gives, or might give, rise to any conflict between the duties or interests of a person as a member of the Council and the duties or interests of such person in his professional capacity as an advocate or as an attorney personally or as a member of a firm of attorneys.

89. (1) For the periodical election of members of the Constitutional Council at three-yearly intervals and the filling of casual vacancies as they occur, there shall be assembled, as occasion may require, a body which shall be known as the Electoral College comprising—

- (a) the Chairman and members for the time being of the Constitutional Council;
- (b) the Judge President, judges of appeal and the puisne judges of the High Court of Rhodesia;
- (c) any retired judges of the High Court of Rhodesia or of Southern Rhodesia or any division thereof who are resident in Rhodesia and are willing to act;
- (d) the President of the Council of Chiefs;
- (e) any former Chairman or member of the Constitutional Council who is resident in Rhodesia and willing to act, excluding any such person removed from office under the provisions of section 83 or 88 or whose seat became vacant under the provisions of subsection (3) of section 86.

(2) No person shall participate in the proceedings of the Electoral College as a member thereof when an election takes place in which such person is a candidate.

Composition
of the
Electoral
College.

Oaths of
loyalty and
secrecy.

Removal of
members.

(3) All elections by the Electoral College shall be conducted by secret ballot.

90. (1) Within such time as may be prescribed—

- (a) before the term of office of any members of the Constitutional Council expires by effluxion of time under the provisions of subsection (2) of section 84; or
- (b) after a casual vacancy in the membership of the Council occurs;

the Officer Administering the Government shall by notice in the *Gazette* summon the Electoral College to assemble at such time and place as the Officer Administering the Government may appoint for the purpose of conducting such elections for membership of the Constitutional Council as may be specified in the notice:

Provided that where a casual vacancy occurs within six months before a triennial election, it shall not be necessary to hold an election to fill that vacancy until the triennial election unless, at the request of the Chairman of the Council, the Officer Administering the Government otherwise decides.

(2) The Chairman of the Constitutional Council or, in his absence, the Deputy Chairman, shall preside over the proceedings of the Electoral College but shall not be entitled to vote.

(3) Subject to the provisions of this Constitution, the Officer Administering the Government may make rules to regulate the proceedings of the Electoral College; without prejudice to the generality of the foregoing, such rules may, in particular, prescribe a quorum of the College and the method of conducting elections.

(4) It shall be the duty of the Constitutional Council to submit to the Electoral College, within such time prior to the meeting of the Electoral College as may be prescribed, at least two names of duly qualified persons as candidates for each vacancy in the membership of the Council to be filled by the College at that meeting.

(5) In addition to the nominations made by the Constitutional Council, the Chief Justice, if he thinks fit after consultation with the judges of the High Court, may, in the prescribed manner, submit to the Electoral College the names of any other duly qualified persons as additional candidates for election for each or any vacancy to be filled.

(6) The Electoral College shall proceed, in the prescribed manner and subject to the requirements of section 82, to elect such number of persons as members of the Constitutional Council as

are necessary to fill the vacancies specified in the notice convening the College. No person shall be eligible for election unless he has been nominated in accordance with the provisions of this section and no candidate shall be declared elected unless he receives not less than two-thirds of the votes of the members of the Electoral College voting. If after a ballot has been taken for a particular vacancy, no candidate has obtained two-thirds of the votes of the members of the College voting, the Chairman may direct that further ballots shall be taken either until a candidate has secured the necessary number of votes or the Chairman is satisfied that no useful purpose will be served by continuing the ballot at that time. In the latter case, it shall be the duty of the Chairman to adjourn the meeting of the College for the purpose of securing further nominations for the vacancy in question under the provisions of subsections (4) and (5) of this section, whereupon the Electoral College shall resume its sitting and proceed to elect a candidate to fill such vacancy.

(7) The Chairman of the College shall report to the Officer Administering the Government the names and descriptions of the candidates duly elected as members of the Constitutional Council, stating the date on which each member shall commence his tenure of office, and the Officer Administering the Government shall cause such information to be published in the *Gazette*.

91. (1) The Chairman and members of the Constitutional Council shall receive such remuneration as may from time to time be determined by a law of the Legislature.

Remuneration of members of the Council and other expenses.

(2) The remuneration of any person as the Chairman or as a member of the Council shall not be reduced during his continuance in office and shall be charged on and paid out of the Consolidated Revenue Fund.

Part 2—Functions of the Constitutional Council

92. For the purposes of sections 93 to 98—

Interpretation.

“adverse report” means a report of the Constitutional Council stating that, in the opinion of the Council, some specified provision of a law is, or some specified provision of a Bill would be, if enacted, inconsistent with the Declaration of Rights;

“inconsistent with the Declaration of Rights” means inconsistent with or in contravention of any provision contained in sections 66 to 77 of Chapter VII;

“Money Bill” means a public Bill which contains only provisions dealing with all or any of the following matters, namely—

- (a) the imposition, repeal, remission, alteration or regulation of taxation;
- (b) the imposition, for the payment of debt or other financial purposes, of charges on the Consolidated Revenue Fund or any other public funds or on moneys provided by the Legislature, or the variation or repeal of any such charges;
- (c) the grant of money for the services of the Government or the grant of money to any authority or person, or the variation or revocation of any such grant;
- (d) the appropriation, receipt, custody, investment, issue or audit of accounts of public money;
- (e) the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connexion with any such loan;
- (f) subordinate matters which are ancillary or incidental to any of the foregoing matters;

“sitting day” means any date on which Parliament meets;

“statutory instrument” means any proclamation, rule, regulation, by-law, order, notice or other instrument having the force of law, made by the Officer Administering the Government or any other person or body under the authority of any Act of the Legislature of Rhodesia or of Southern Rhodesia for the time being in force.

Functions
of the
Council
in respect
of Bills.

93. (1) Immediately after any Bill to which this section applies has been given a final reading and passed by Parliament and before it is presented to the Officer Administering the Government for assent, the Speaker shall cause an authenticated copy of the Bill to be submitted to the Constitutional Council and the date on which it is sent to be recorded in the Journal of Parliament.

(2) The Council shall consider the Bill and within thirty days of such date, shall make a report addressed to the Officer Administering the Government and to the Speaker stating whether or not in the opinion of the Council any and if so, which provision of the Bill would, if enacted, be inconsistent with the Declaration of Rights.

(3) Whenever after the receipt of an adverse report of the Constitutional Council, the Bill to which it relates is amended by Parliament, the Speaker shall cause the Bill in its amended form to be submitted again to the Council in the manner prescribed by subsections (1) and (2) of this section.

(4) On the application of the Chairman of the Constitutional Council, the Speaker may extend, as he thinks fit, the period of thirty days prescribed by subsection (2) of this section, where he considers it proper to do so on account of the length or complexity of any Bill or the number of matters for the time being under consideration by the Council or for any other sufficient reason. Any extension of time so granted shall be recorded in the Journal of Parliament.

(5) The Speaker shall cause every report received by him from the Constitutional Council in pursuance of subsection (2) of this section to be laid before Parliament without undue delay. Where the Speaker receives no such report on a Bill within the time prescribed by subsection (2), or any extension thereof granted under subsection (4), of this section, that fact shall be recorded in the Journal of Parliament and thereupon it shall be conclusively presumed that the Council is of the opinion that no provision of that Bill would, if enacted, be inconsistent with the Declaration of Rights.

(6) No Bill to which this section applies shall be presented to the Officer Administering the Government for assent unless it is accompanied by a certificate under the hand of the Speaker which shall state that—

- (a) in the opinion of the Constitutional Council no provision of the Bill would, if enacted, be inconsistent with the Declaration of Rights; or
- (b) no report having been received from the Constitutional Council within the time prescribed or any extension thereof granted by the Speaker, the Constitutional Council is presumed to be of the opinion that no provision of the Bill would, if enacted, be inconsistent with the Declaration of Rights; or
- (c) notwithstanding the opinion of the Constitutional Council that some specified provision of the Bill would, if enacted, be inconsistent with the Declaration of Rights, a motion for its presentation to the Officer Administering the Government for assent has been passed either—
 - (i) by the affirmative vote of not less than two-thirds of the total membership of Parliament; or

- (ii) by the affirmative vote of Parliament taken on a stated day, being not less than six months after the date on which the Bill, as originally passed by Parliament, was first sent to the Constitutional Council for the purpose of making a report in pursuance of subsection (1) of this section:

Provided that sub-paragraph (ii) of this paragraph shall not apply to any Bill which under the provisions of this Constitution is not deemed to be passed by Parliament unless at the final vote thereon in Parliament it receives the affirmative votes of not less than two-thirds of the total membership of Parliament.

(7) Where, at the date that Parliament is prorogued, either—

- (a) no report on a Bill has been received from the Constitutional Council and the time for making a report has not expired; or
- (b) an adverse report on a Bill has been received;

and in consequence such Bill cannot be presented to the Officer Administering the Government for assent and will accordingly lapse, then nevertheless, such Bill may (unless Parliament is dissolved between the date of that prorogation and the commencement of the next ensuing session of Parliament) be revived by order of Parliament during its next ensuing session at the stage which it had reached in the preceding session and thereupon may be proceeded with accordingly and, in such case, the period of six months referred to in paragraph (c) (ii) of subsection (6), if applicable to the Bill in question, shall run as if Parliament had not been prorogued.

- (8) The provisions of this section shall not apply to—
- (a) a Money Bill;
 - (b) a Bill certified by the Prime Minister under the provisions of section 94 to be so urgent that it is not in the public interest to delay its enactment;
 - (c) a Bill which amends, adds to or repeals any specially entrenched provision of this Constitution within the meaning of section 116 or which under the provisions of this Constitution is made subject to the same procedure as if it were such a Bill.

(9) A Bill shall be deemed to be a Money Bill if the Speaker certifies in writing that, in his opinion, it is a Bill to which the definition of "Money Bill" contained in section 92 of this Constitution applies. No Money Bill shall be presented to the

Officer Administering the Government for assent unless it is accompanied by the Speaker's certificate which shall be conclusive for all purposes and shall not be open to question in any court.

94. (1) If, after a Bill has been given a final reading by Parliament, and before it is submitted to the Constitutional Council in pursuance of section 93, the Prime Minister certifies by writing under his hand that the Bill is so urgent that it is not in the public interest to delay its enactment, the provisions of section 93 shall not apply to that Bill and, if it be presented to the Officer Administering the Government with the said certificate of the Prime Minister, it shall be lawful for the Officer Administering the Government to assent forthwith to the Bill.

Functions of the Council in regard to Bills enacted on a certificate of urgency.

(2) Where the Officer Administering the Government assents to a Bill on the grounds of urgency in pursuance of the provisions of subsection (1) of this section, it shall nevertheless be the duty of the Speaker to cause an authenticated copy of the Act to be sent as soon as may be to the Constitutional Council. The Council shall thereupon consider the Act and within such time as may be prescribed shall make a report to the Officer Administering the Government and the Speaker stating whether or not, in the opinion of the Council, any and if so, which provision of the Act is inconsistent with the Declaration of Rights. The Speaker shall cause any such report to be laid before Parliament without undue delay.

95. (1) Every statutory instrument shall be published in the *Gazette* and thereupon an authenticated copy thereof shall be transmitted by the prescribed authority in the prescribed manner to the Constitutional Council within such period of the date of the coming into force of the statutory instrument as may be prescribed.

Functions of the Council in regard to statutory instruments.

(2) The Council shall thereupon consider such statutory instrument and within such time as may be prescribed shall make a report to the Speaker and to the prescribed authority, stating whether or not, in the opinion of the Council, any and if so, which provision of the statutory instrument is inconsistent with the Declaration of Rights.

(3) The Speaker shall cause every report of the Constitutional Council on a statutory instrument to be laid before Parliament on the next sitting day after receiving the Council's report.

(4) Where an adverse report in respect of any provision of a statutory instrument is presented to Parliament in pursuance of subsection (3) of this section, then, on the twenty-first sitting day after the presentation of that report, unless prior to that day either—

- (a) that provision has been revoked or amended by the authority empowered to revoke or amend it; or
- (b) Parliament has passed a resolution confirming that provision;

the Officer Administering the Government shall cause to be published in the *Gazette* a notice that the provision in question is annulled as from that day, and thereupon the like consequences shall ensue as if the provision in question had been revoked as from that day by the authority empowered to revoke it.

(5) Any authority empowered to make a statutory instrument may, if it sees fit, submit to the Constitutional Council a draft of any such instrument it proposes to make and the Council shall consider the same and shall inform that authority whether or not, in the opinion of the Council, any and if so, which provision of the instrument would, if made, be inconsistent with the Declaration of Rights, but nothing herein contained shall relieve such authority from complying with the other requirements of this section when the statutory instrument is published in the *Gazette*.

Powers of Constitutional Council in regard to legislation in force on the appointed day.

96. The Constitutional Council may examine any Act or statutory instrument in force and which was in force on the 1st November, 1962 and may make a report in regard to any provision of any such Act or instrument which, in the opinion of the Council, would be inconsistent with the Declaration of Rights if such Declaration applied thereto. The Council shall send such report to the Officer Administering the Government and to the Speaker, and the Speaker shall cause such report to be laid before Parliament without undue delay. In the case of a report on a statutory instrument made by an authority other than the Officer Administering the Government, the Officer Administering the Government shall cause a copy of the report to be sent to that authority.

Part 3—Procedure

Duties of Chairman.

97. (1) The Chairman of the Constitutional Council shall appoint, from among the members of the Council from time to time, a Deputy Chairman who shall carry out the duties of Chairman on any occasion or for any purpose when, for any reason, the Chairman is unable to act.

(2) The Constitutional Council shall meet on the summons of the Chairman.

(3) The Chairman, if present, shall preside at all meetings of the Council. Whenever the office of Chairman is vacant or the Chairman for any reason is unable to attend, the Deputy Chairman

shall preside and, in his absence, some other member of the Council shall be elected by the Council to act as Chairman.

(4) If, in relation to the composition of the Council, the nomination of candidates for election or the election of members, any question shall arise as to the racial community to which any person shall be deemed to belong for the purposes of this Chapter, the matter shall be referred to the Chairman of the Constitutional Council, whose decision shall be final and not open to question in any court.

98. (1) The Council shall not transact any business unless a quorum is present; the quorum shall be seven members including the Chairman or member presiding.

Procedure of the Constitutional Council.

(2) Any decision of the Council shall be made by a majority of the votes of the members voting.

(3) The Chairman or member presiding shall have an original vote and, in the case of an equality of votes, shall have and exercise a casting vote in addition to his original vote.

(4) The proceedings of the Council shall be conducted in private and the Council shall not be entitled to hear objectors or to examine witnesses in regard to any Bill or law which is being considered by the Council in pursuance of the provisions of this Constitution.

(5) In reporting the opinion of the Council to Parliament, the Council shall state—

- (a) either that the report is unanimous or the number of votes for and against it;
- (b) in the case of an adverse report, the grounds on which the Council have reached their conclusion; but it shall not be competent to the Council to propose or recommend amendments to the Act, Bill or statutory instrument in question.

(6) Subject to the provisions of subsection (1) of this section, the Council shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings, or that the composition of the Council at any particular time was not in accordance with the requirements of paragraphs (a) to (e) of section 82.

(7) Subject to the provisions of this Constitution, the Council may make rules with respect to the regulation and conduct of its proceedings and the despatch of business but no such rules shall have effect until they have been approved by the Officer Administering the Government.

(8) The Constitutional Council and the Chairman and members thereof shall have the same immunities and privileges, *mutatis mutandis*, as Parliament and the Members thereof.

Supplementary provisions regarding procedure.

99. (1) Parliament may make Standing Orders to provide for the consideration by Parliament of the reports of the Constitutional Council and for any subsequent proceedings thereon and, in particular, to provide for the return of a Bill to Parliament and any subsequent procedure thereon, notwithstanding that such Bill may have previously been given a final reading and passed by Parliament.

(2) The Officer Administering the Government may make rules for the conduct of business between the Constitutional Council and Parliament and any authority empowered to make statutory instruments, for providing for any matters which are required to be prescribed, and generally for carrying out the purposes of this Chapter.

Annual Report.

100. Once in every year it shall be the duty of the Constitutional Council to compile and present to the Officer Administering the Government a report of the work of the Council during the preceding twelve months including a statement of any moneys expended in litigation under the provisions of subsection (5) of section 80. The Officer Administering the Government shall cause such report to be laid before Parliament without undue delay.

CHAPTER IX LAND

Interpretation of Chapter IX.

101. In this Chapter, unless the context otherwise requires—

“Board of Trustees” means the Board of Trustees established under section 102;

“Tribal Trust Land” means all land in Rhodesia which immediately before the appointed day was Tribal Trust Land and all other land which may hereafter be added thereto by law for the use and occupation of tribesmen;

“tribesman” means a person who, under tribal law and custom, is recognized as a member of a community under the control or leadership of a chief appointed and holding office under the law for the time being governing the appointment of chiefs.

102. (1) There shall be a Board of Trustees which shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and, subject to the provisions of this Chapter, to do all such acts and things as corporate bodies may lawfully do.

Establishment of the Board of Trustees and vesting of Tribal Trust Land therein.

(2) All Tribal Trust Land is hereby vested in the Board of Trustees for the sole and exclusive use and occupation of tribesmen subject to any previously acquired rights subsisting on the appointed day, and the Board of Trustees shall not be entitled to dispose of any such land or any right or interest therein save in accordance with the provisions of this Chapter:

Provided that, subject to any previously acquired rights subsisting on the appointed day under the mining laws of Rhodesia, the dominium in and the right of searching and mining for and disposing of all minerals, mineral oils and natural gases shall vest in the Officer Administering the Government.

(3) The Officer Administering the Government shall as soon as may be after the appointed day, by notice in the *Gazette*, publish a description of the land vested in the Board, and may from time to time thereafter in like manner amend such description for the purpose of—

- (a) more clearly describing such land; or
- (b) correcting any error in such description; or
- (c) changing the name or other designation of any such land; or
- (d) correctly reflecting any alteration in the area of the Tribal Trust Land in pursuance of any of the provisions of this Chapter;

and may in like manner republish a description of such land with any such amendments.

103. (1) The Board of Trustees shall consist of a Chairman, who shall be the person for the time being holding the office of Chief Justice of the High Court, and five other members of whom—

Composition and procedure of the Board of Trustees.

- (a) one shall be a Chief appointed by the Council of Chiefs;
- (b) one shall be the person for the time being holding the office of Chairman of the Natural Resources Board of Rhodesia, or, if that body ceases to exist and is not

replaced by a similar body, a person experienced in the development and conservation of natural resources, appointed by the Officer Administering the Government;

- (c) one shall be a person experienced in financial matters, appointed by the Officer Administering the Government;
- (d) one shall be a person experienced in African agriculture, appointed by the Officer Administering the Government; and
- (e) one shall be a person experienced in local government in tribal areas, appointed by the Officer Administering the Government.

(2) Any member of the Board of Trustees who is appointed under the provisions of subsection (1) of this section shall hold office for a period of five years unless he shall sooner resign by writing under his hand addressed to the Chairman. At the expiration of his period of appointment any such member shall be eligible for re-appointment.

(3) Whenever through illness, absence or other cause the Chairman of the Board is precluded from exercising his functions on the Board, the person for the time being acting as Chief Justice or the Judge President or the next senior judge of the High Court shall act as Chairman of the Board.

(4) Whenever through illness, absence or other cause any other member of the Board is precluded from exercising his functions on the Board, the Officer Administering the Government may appoint some other suitable and qualified person to act for such member on the Board.

(5) In the case of an equality of votes, the Chairman shall have a casting vote. Subject to this, the Board may regulate its own proceedings.

Responsibilities in relation to Tribal Trust Land.

104. (1) The Board of Trustees shall be responsible in their capacity as trustees for ensuring that the Tribal Trust Land is used and occupied in accordance with the provisions of subsection (2) of section 102.

(2) The Government of Rhodesia shall be responsible, subject to the provisions of this Chapter, for providing and controlling the services required for the administration of Tribal Trust Land and for securing the proper development thereof in the interests of the tribesmen living thereon.

105. No person other than a tribesman shall occupy any portion of the Tribal Trust Land except—

Occupation of Tribal Trust Land.

- (a) in the exercise of any previously acquired right subsisting on the appointed day; or
- (b) in accordance with an agreement entered into with the Board of Trustees or with regulations made under section 110 for any of the following purposes—
 - (i) the administrative purposes of the Government of Rhodesia;
 - (ii) religious or educational purposes in the interests of tribesmen;
 - (iii) hospitals, clinics, or other establishments for the benefit of tribesmen;
 - (iv) cemeteries or burial grounds;
 - (v) the exercise of rights granted in respect of forest produce or other natural resources of the Tribal Trust Land;
 - (vi) the exercise of rights granted by the Officer Administering the Government under the mining laws of Rhodesia for the time being in force;
 - (vii) hotels or other similar establishments for the convenience of travellers;
 - (viii) any other purpose which the Board of Trustees considers to be in the interests of tribesmen, or in the public interest.

106. The Board of Trustees may exchange land contained within the Tribal Trust Land for land vested in the Officer Administering the Government situated elsewhere on such terms and conditions as may be agreed upon by the Officer Administering the Government and the Board of Trustees, provided such exchange is, in the opinion of the Board of Trustees, in the public interest. Such terms and conditions shall include provision for the assigning of alternative land to any tribesman who is dispossessed of his land and for the payment to him of any sum of money necessary to compensate him for his removal and in respect of any permanent improvements made on the land from which he is removed.

Exchange of land.

107. (1) Whenever the Officer Administering the Government shall certify to the Board of Trustees that any Tribal Trust Land is required for the purpose of mineral development, for

Tribal Trust Land required for public purposes.

defence purposes or for the improvement of communications or for any other public purpose, the Officer Administering the Government may, with the consent of the Board of Trustees, by order declare that as from such date as may be specified such land shall cease to vest in the Board of Trustees as part of the Tribal Trust Land and shall thereafter cease to be part of the Tribal Trust Land and shall vest in the Officer Administering the Government.

(2) Any tribesman dispossessed of his right to occupy such land shall be assigned alternative land so far as is reasonable and practicable. If alternative land is not available he shall be paid a sum of money necessary to compensate him for his removal and in addition compensation shall be paid to the Board of Trustees for the benefit of the tribesmen in the area concerned. In either case he shall receive proper compensation in respect of any permanent improvements made on the land of which he is dispossessed.

(3) Land assigned to a tribesman as compensation under this section shall be situated in as convenient a position as possible and shall be sufficient and suitable for his agricultural and pastoral requirements, containing as far as possible a fair and equitable proportion of springs or permanent water and being in all respects, as far as possible, as suitable for his requirements as the land which he leaves.

Irrigation schemes.

108. (1) The Officer Administering the Government, with the consent of the Board of Trustees, may cause an investigation to be made into a scheme for the irrigation of any portion of the Tribal Trust Land for the benefit of tribesmen, including a scheme for the irrigation of such land in combination with other land.

(2) If the Board of Trustees is satisfied that any such scheme would be for the benefit of tribesmen and that it is necessary to provide security for the expenditure of the moneys required for the carrying out of the scheme by way of mortgage of the land concerned, the Board of Trustees may issue a certificate to that effect.

(3) The Officer Administering the Government on receipt of such a certificate may by order declare that as from such date as may be specified such portion of the Tribal Trust Land as is described in the certificate shall cease to vest in the Board of Trustees as part of the Tribal Trust Land and shall thereafter cease to be part of the Tribal Trust Land and shall vest in the Officer Administering the Government, for the purpose of a grant of freehold title to the person undertaking the scheme.

(4) It shall be a condition of every such grant that the occupation of the land is reserved exclusively for tribesmen. The terms and conditions of such occupation shall be subject to the approval of the Officer Administering the Government and may provide for the lease or individual freehold tenure of the land concerned or such other form of occupation as the Officer Administering the Government may consider appropriate.

109. Where the Board of Trustees, after making such inquiries as it deems necessary and after consultation with the Chief concerned, is satisfied that—

Conversion of Tribal Trust Land into freehold tenure.

- (a) it is the general wish of the tribesmen living in any substantial area of Tribal Trust Land that the rights of the tribesmen living in such area should be converted into individual freehold ownership; and
- (b) to give effect to such wish would be in the general interests of the tribesmen;

the Board may, after giving due consideration to the interests of other tribesmen who might be affected, take the necessary steps to give effect to such wish of the tribesmen. In such case the Officer Administering the Government, with the consent of the Board of Trustees, may by order declare that as from such date as may be specified such area of land shall cease to vest in the Board of Trustees as part of the Tribal Trust Land and thereafter shall cease to be part of the Tribal Trust Land and shall vest in the Officer Administering the Government for the purpose of making grants of individual freehold title to the persons concerned, subject to such limitations regarding the future alienation or disposal of the land in question as may be prescribed by a law of the Legislature under sub-paragraph (iii) of paragraph (b) of subsection (1) of section 111.

110. The Officer Administering the Government, with the consent of the Board of Trustees, may make regulations—

Regulations.

- (a) prescribing the terms and conditions on which tribesmen may be permitted for special reasons or in special circumstances to occupy any specified portion of the Tribal Trust Land on the basis of a lease;
- (b) for the control of all moneys received from rents charged and fees and other charges imposed under any agreement made with the Board of Trustees or under any regulation made under this section, and the application of such moneys in the interests of the tribesmen;

- (c) for the purposes of section 105 or 109;
- (d) prescribing penalties for a contravention of or a failure to comply with any regulation made under this section.

Powers of the Legislature in regard to land.

111. (1) In relation to Tribal Trust Land, a law of the Legislature may—

- (a) make provision whereby any area of Tribal Trust Land which has under any law in force been set aside for the establishment, with the consent of the Board of Trustees, of a township, village or business centre for the use of and occupation by tribesmen—
 - (i) shall at such time as may be prescribed by or under the law cease to be part of the Tribal Trust Land and become vested in the Officer Administering the Government; and
 - (ii) shall upon becoming vested in the Officer Administering the Government be made available for purchase or lease as if it were part of the Native Purchase Area as defined in the Land Apportionment Act [Chapter 257];
- (b) provide for—
 - (i) the carrying out of a land survey in respect of any such land;
 - (ii) any matter necessary for, or incidental to, the implementation of section 108;
 - (iii) the implementation of any application acceded to in terms of section 109 and the further alienation or disposal of the land concerned;
 - (iv) further land to be added to the Tribal Trust Land.
- (2) A law of the Legislature may—
 - (a) withdraw from the operation of the Land Apportionment Act [Chapter 257] any land which is set aside under any law for national parks, afforestation purposes, non-hunting areas, game reserves or similar purposes;
 - (b) withdraw from the operation of the Land Apportionment Act [Chapter 257] any land which under that Act is not reserved for or restricted to ownership or occupation by a specified class of persons;
 - (c) prescribe the conditions subject to which the ownership or occupation of land shall cease to be restricted to

persons who belong to any specified class of persons under the Land Apportionment Act [Chapter 257], and prescribe different provisions in respect of land which is comprised within the area of a local authority, village, scheme area under the Town and Country Planning Act [Chapter 133], or other settled area, and other land, and may withdraw such land from the operation of the Land Apportionment Act [Chapter 257];

- (d) provide for further land to be added to the Native Purchase Area as defined in the Land Apportionment Act [Chapter 257], subject to the limitation that the total acreage of land in such Area shall not exceed in acreage the aggregate of the acreage of the Native Purchase Area and the Tribal Trust Land as at the 1st November, 1962;
- (e) provide for further land to be added to the European Area as defined in the Land Apportionment Act [Chapter 257], subject to the limitation that the total acreage of land in such Area shall not exceed the total acreage of such land as at the 1st November, 1962;
- (f) provide for the withdrawal from the operation of the Land Apportionment Act [Chapter 257] of any land other than land vested in the Officer Administering the Government, at the request or with the consent of the owner;
- (g) subject to the provisions of this Chapter, amend or repeal the Land Apportionment Act [Chapter 257].

112. Any Bill containing any provision which, if enacted, would have the effect of—

- (a) varying the terms of the trust in regard to Tribal Trust Land; or
- (b) diminishing the powers or functions of the Board in respect of the Board's responsibilities in relation to the matters contained in sections 105 to 110; or
- (c) imposing any racial limitation on the ownership or occupation of any land in Rhodesia which is more restrictive than any such limitation in the Land Apportionment Act [Chapter 257] in force immediately prior to the 1st November, 1962;

shall be subject to the same procedure in all respects as if it were a constitutional Bill to amend a specially entrenched provision of

Limitation on the enactment of certain Bills affecting land.

this Constitution within the meaning of section 116. No such Bill shall be presented to the Officer Administering the Government for assent unless the Bill is accompanied by a certificate from the Speaker that at the final vote thereon it received the affirmative votes of not less than two-thirds of the total membership of Parliament and unless the requirements of subsection (2) of section 117 have been complied with.

General saving.

113. (i) Nothing in this Chapter shall derogate from the general powers of the Legislature to make laws for the peace, order and good government of Rhodesia either generally or in relation to land, including Tribal Trust Land.

(2) Nothing contained in any law passed in pursuance of the provisions of section 111 and nothing done in accordance with the provisions of this Chapter or any such law shall be held to be inconsistent with the provisions of sections 76 and 77.

CHAPTER X

AMENDMENT OF THE CONSTITUTION

114. Subject to compliance with the other provisions of this Constitution, a law of the Legislature may amend, add to or repeal any of the provisions of this Constitution:

Provided that no Act of the Legislature shall be deemed to amend, add to or repeal any provision of this Constitution—

- (a) unless it does so in express terms; or
- (b) to the extent to which it makes provision for any matter mentioned in section 143.

115. No constitutional Bill shall be deemed to be passed by Parliament unless at the final vote thereon in Parliament it receives the affirmative votes of not less than two-thirds of the total membership of Parliament:

Provided that the requirements of this section shall not apply to a Bill to the extent to which it makes provision for any matter mentioned in section 143.

116. (1) For the purposes of this Constitution, all the provisions thereof enumerated in the Third Schedule shall be specially entrenched provisions of this Constitution together with any other provision which may hereafter be declared by any future amendment of this Constitution to be such a provision.

(2) Any constitutional Bill which contains any provision for amending, adding to or repealing any specially entrenched provision of this Constitution and which is passed by Parliament in

General power to amend the Constitution.

Constitutional Bills to require two-thirds majority.

Constitutional Bills relating to specially entrenched provisions.

accordance with the requirements of section 115, shall not become law unless at a subsequent sitting Parliament by an affirmative vote of not less than two-thirds of its total membership resolves that an Address be presented to the Officer Administering the Government for his assent and he assents thereto.

117. (1) No constitutional Bill shall be submitted to the Officer Administering the Government for assent unless it is accompanied by a certificate under the hand of the Speaker that at the final vote thereon in Parliament the Bill received the affirmative votes of not less than two-thirds of the total membership of Parliament.

Submission of Constitutional Bills for assent.

(2) A constitutional Bill to which subsection (2) of section 116 applies shall not be presented to the Officer Administering the Government for assent unless, in addition, it is accompanied by a certificate under the hand of the Speaker that the requirements of that subsection have been complied with.

CHAPTER XI

MISCELLANEOUS PROVISIONS

Part I—General

118. The English language shall be the only official language of Rhodesia.

The English language.

119. (1) There shall be a Public Seal of Rhodesia showing the coat of arms of Rhodesia with the inscription "Rhodesia".

Public Seal.

(2) The Public Seal shall be kept by the Officer Administering the Government and used for sealing all things whatsoever that shall pass the Public Seal.

(3) Until a Public Seal of Rhodesia is provided, the Public Seal of the Colony of Southern Rhodesia may be used as the Public Seal of Rhodesia.

120. (1) All taxes, imposts, rates, duties and all other revenues of the Government of Rhodesia from whatever source arising (not being moneys which are required by law to be paid into a separate fund) and the proceeds of all loans raised by the Government shall form one Consolidated Revenue Fund.

The Consolidated Revenue Fund.

(2) The costs and charges and expenses incidental to the collection and management of the Fund shall form the first charge thereon.

(3) No money shall be withdrawn from the Consolidated Revenue Fund except to meet expenditure which is charged on the Fund by this Constitution or by any law of the Legislature or where the issue of moneys has been authorized under an Appropriation Act:

Provided that a law of the Legislature may provide for making moneys available in advance of appropriation by the Legislature for the purpose of meeting unforeseen expenditure or to cover any period not exceeding four months between the end of a financial year and the coming into force of the law authorizing the appropriation for the next following year.

121. (1) A person holding public office, whether he shall have been appointed thereto before or after the coming into force of this section, shall be entitled to have his claim to pension or gratuity or that of his wife or dependants governed by the law in force at the time of his appointment or, at the election of the holder of the office, by any law substituted for the same and which is in force at the date that the right to such pension or gratuity has accrued.

(2) All pensions and gratuities, whether granted before or after the coming into force of this section in accordance with any law for the time being in force to persons holding any public office or to their wives or dependants, shall be charged upon and paid out of the Consolidated Revenue Fund.

122. (1) Any provision of any Act (or of any instrument having the effect of law made under the authority thereof) enacted on or after the appointed day which is inconsistent with any provision of this Constitution shall be invalid to the extent of the inconsistency.

- (2) Subsection (1) of this section shall not apply—
- (a) to any provision of an Act with respect to which the requirements of both sections 115 and 116 were applicable and have been complied with; or
 - (b) except in so far as it is inconsistent with any specially entrenched provision referred to in the Third Schedule, to any provision of any Act amending, adding to or repealing this Constitution, with respect to which the requirements of section 115 were applicable and have been complied with; or
 - (c) to any Act of Indemnity enacted under the provisions of section 143.

Part 2—Transitional Provisions

123. Save as otherwise provided in this Constitution, all laws in force in Rhodesia immediately prior to the appointed day shall remain in full force and effect on and after the appointed day, subject to the exercise of any power to amend or repeal the same as is vested in the Legislature or other authority.

124. (1) The Officer Administering the Government may by order published in the *Gazette* provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Officer Administering the Government to be necessary or expedient for bringing the provisions of that law into conformity with the provisions of this Constitution or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the order, not being a date earlier than the appointed day.

(2) In this section, "existing law" means a law in force in Rhodesia immediately before the appointed day that was enacted by the Legislature of Southern Rhodesia or of the Federation and includes any instrument in force as aforesaid and made in exercise of a power conferred by the Legislature of Southern Rhodesia or the Federation or by the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963.

(3) An order made under this section may be revoked or amended by a further order made under this section or in relation to any law or instrument affected thereby, by the authority having power to repeal, revoke or amend that law or instrument.

125. (1) Every person who immediately prior to the appointed day holds the office of Prime Minister, Minister, Deputy Minister or any other office constituted by or under the old Constitution, save and except that of Governor and of Judge of the High Court, shall, subject to subsections (2) and (3) of this section, continue to hold the like office as if he had been appointed or elected thereto under the corresponding provisions of this Constitution:

Provided that the period of office of any such person shall expire on the date on which it would have expired had the old Constitution not been revoked by this Constitution.

(2) Any person who under the provisions of subsection (1) of this section holds any office on or after the appointed day by virtue of having been the holder of the like office immediately before

Pensions and gratuities of public officers.

Legal force of the Constitution.

Saving for existing laws.

Adaptation of existing laws.

Holders of public offices to continue.

that day shall be deemed to have complied with the requirements of this Constitution or any other law in force in Rhodesia not being in conflict with this Constitution, relating to the taking of oaths on appointment to such office.

(3) Subsections (1) and (2) of this section shall not apply to any person who, being required by the Prime Minister, a Minister or a person assigned thereto verbally or in writing by the Prime Minister or a Minister, to state forthwith whether he accepts this Constitution and will take an oath of loyalty in the form set out in the First Schedule, refuses to do so. If he agrees to accept this Constitution he shall forthwith take the said oath of loyalty before a Judge, Magistrate, Justice of the Peace or Commissioner of Oaths.

(4) The office of any such person who refuses to accept this Constitution on being required to do so in terms of subsection (3) of this section and refuses to take the oath of loyalty in terms of that subsection shall be deemed to have become vacant immediately before the appointed day and such person shall not be entitled to any compensation for his loss of office.

(5) The office of Chief shall be deemed to be an office for the purposes of this section.

126. (1) The Legislative Assembly of Southern Rhodesia in existence immediately prior to the appointed day shall be deemed to have been duly constituted as the Parliament of Rhodesia under this Constitution, and the provisions of section 125 shall apply, *mutatis mutandis*, to the Speaker, Deputy Speaker and Clerk of the Legislative Assembly and the other officials of that Assembly and the offices held by them.

(2) The persons who were members of the Legislative Assembly immediately prior to the appointed day shall be deemed to be duly elected Members of the Parliament constituted by this Constitution and the provisions of section 125 shall apply, *mutatis mutandis*, to such persons and the offices held by them.

(3) In calculating the period of five years for the purposes of subsection (3) of section 39 in relation to the first Parliament mentioned in subsection (2) of this section that Parliament shall be deemed first to have met on the 9th June, 1965.

127. (1) The persons who immediately prior to the appointed day are members of the Governor's Council constituted under the old Constitution shall be the first members of the Executive Council established by section 49 and shall be deemed to be appointed thereto and to hold office therein in accordance with the relevant provisions of this Constitution.

(2) Any proceedings commenced in the Governor's Council prior to the appointed day may be continued and completed in the Executive Council.

(3) The provisions of subsection (3) of section 1 and sections 2 and 3 of the Southern Rhodesia Royal Instructions, 1961, shall apply, *mutatis mutandis*, to the Officer Administering the Government and the proceedings of the Executive Council.

128. (1) The High Court of Southern Rhodesia in existence immediately prior to the appointed day shall be deemed to have been duly constituted as the High Court of Rhodesia under this Constitution.

The High Court and the judges thereof.

(2) Every person who immediately prior to the appointed day holds the office of Judge of the High Court shall, subject to subsections (3) and (4) of this section, continue to hold the like office as if he had been appointed thereto under the corresponding provisions of this Constitution.

(3) Any person who under the provisions of subsection (2) of this section holds the office of Judge of the High Court on or after the appointed day by virtue of having been the holder of the like office immediately prior to that day shall, subject to the provisions of subsection (4) of this section, be deemed to have complied with the requirements of this Constitution relating to the taking of oaths on appointment to such office.

(4) A person who under the provisions of subsections (2) and (3) of this section continues to hold the office of Judge of the High Court may be required by the Prime Minister or a person assigned thereto verbally or in writing by the Prime Minister, to state forthwith whether he accepts this Constitution and will take the oath of loyalty and the judicial oath in the forms set out in the First Schedule, and if such person—

- (a) agrees to accept this Constitution he shall forthwith take the said oath of loyalty and the judicial oath before the Officer Administering the Government or some person authorized by the Officer Administering the Government in that behalf;
- (b) refuses to accept this Constitution his office shall be deemed to have become vacant on the day of such refusal and such person shall not be entitled to any compensation for his loss of office.

129. The Standing Orders of the Legislative Assembly in force immediately prior to the appointed day shall, subject to the provisions of this Constitution, continue to be the Standing Orders of Parliament, until otherwise provided by Parliament.

Standing Orders of Parliament.

Legislative Assembly to continue as Parliament.

First Executive Council.

Constituencies and electoral districts to continue.

130. The constituencies and electoral districts declared by the Governor in Proclamation No. 41 of 1962 to be the constituencies and electoral districts of Southern Rhodesia shall continue to be the constituencies and electoral districts of Rhodesia and such declaration shall be deemed to have been made by the Officer Administering the Government under section 45, and a Delimitation Commission shall be convened by the Officer Administering the Government under section 46 not later than five years from the date of the convening of the last Delimitation Commission prior to the appointed day.

Constitutional Council to continue.

131. The Constitutional Council in existence immediately prior to the appointed day shall be deemed to have been duly constituted as the Constitutional Council under this Constitution and the provisions of section 125 shall apply, *mutatis mutandis*, to the Chairman and members thereof and the offices held by them:

Provided that the period of office of any such person shall expire on the date on which it would have expired had the old Constitution not been revoked by this Constitution.

Board of Trustees of Tribal Trust Land to continue.

132. The Board of Trustees in existence immediately prior to the appointed day shall be deemed to have been duly constituted as the Board of Trustees under this Constitution and the provisions of section 125 shall apply, *mutatis mutandis*, to the Chairman and members thereof and the offices held by them:

Provided that the period of office of any such person shall expire on the date on which it would have expired had the old Constitution not been revoked by this Constitution.

Property, etc., of persons, bodies and institutions.

133. All property (movable and immovable), assets, rights, liabilities and obligations of any person, body or institution established by or under the old Constitution shall, where a similar or equivalent person, body or institution is established by or under this Constitution, as from the appointed day, be the property, assets, rights, liabilities and obligations of the latter person, body or institution.

Saving of regulations relating to Tribal Trust Land.

134. Any regulations in force immediately prior to the appointed day which were made or were deemed to have been made under section 101 of the old Constitution shall continue in force and shall be deemed to be regulations made under section 110 with the consent of the Board of Trustees.

Transfer of moneys in old Consolidated Revenue Fund.

135. The moneys standing, immediately prior to the appointed day, to the credit of the Consolidated Revenue Fund established under the old Constitution shall be transferred to and become the Consolidated Revenue Fund established by section 120.

136. (1) All stocks, cash, bankers' balances and securities for money, Crown lands, public works, and all property, movable or immovable, and all rights of whatever description, including all rights in and to mines, minerals and precious stones, and all rights in connexion with the searching for, working for, or disposing of minerals or precious stones, which immediately prior to the appointed day belonged to or vested in the Crown or the Government of Southern Rhodesia or the Governor in his capacity as Governor of Southern Rhodesia shall, as from the appointed day, belong to or vest in the Officer Administering the Government on behalf of the Government of Rhodesia.

Assets of former Government.

(2) Any property which immediately prior to the appointed day is liable to be forfeited or confiscated to the Crown or the Government of Southern Rhodesia or to any person or authority on behalf of the Crown or Government shall, as from the appointed day, be liable to be forfeited or confiscated to the Officer Administering the Government on behalf of the Government of Rhodesia.

(3) Where immediately prior to the appointed day any person holds any property or assets in trust for or on behalf of the Crown or the Governor for the purposes of the Government of Southern Rhodesia, that person shall, as from the appointed day, hold such property or assets on the like trust for or on behalf of the Officer Administering the Government.

137. (1) As from the appointed day the Government of Rhodesia established under this Constitution shall assume all debts and liabilities of the Government of Southern Rhodesia existing immediately prior to the appointed day subject to the conditions imposed by any law under which such debts or liabilities were raised or incurred and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund and other charges conferred on creditors of the said prior Government.

Liabilities of former Government.

(2) The rights of stockholders to undertakings given by the Government of Southern Rhodesia at the time of the issue of any Rhodesian Government stock registered under the Colonial Stock Act, 1877, or any Act amending or replacing the same shall be maintained, and there shall be no departure from the original contract in respect of such stock.

(3) In this section "Rhodesian Government stock" means stock forming any part of the public debt of Rhodesia.

138. All rights and obligations under any conventions or agreements existing immediately prior to the appointed day shall devolve upon the Government established by this Constitution.

Existing conventions and agreements.

Legal proceedings to continue.

139. (1) All criminal proceedings which immediately prior to the appointed day were required to be instituted in the name of Her Majesty shall continue to be instituted in Her Majesty's name.

(2) All suits, civil or criminal, pending in any court in Rhodesia immediately prior to the appointed day shall continue in that or the corresponding court as from the appointed day:

Provided that where any such suit has been partly heard by a judicial officer before the appointed day and such officer is not available to preside in that or the corresponding court after the appointed day the hearing shall commence afresh and, in the case of a criminal suit, the accused person, unless already released on bail, shall remain in custody and be tried again.

(3) All judgments or orders of any court given or made prior to the appointed day shall have the same force and effect as if they had been given or made by that or the corresponding court existing on or after the appointed day.

Amendment, modification, etc., of Constitution.

140. (1) Notwithstanding anything to the contrary contained in this Constitution, the Officer Administering the Government may by order published in the *Gazette* within six months from the appointed day amend, modify or adapt any provision of this Constitution to such extent as may appear to him necessary or expedient.

(2) For the avoidance of doubt it is hereby declared that the provisions of the proviso to section 114, section 115 and subsection (1) of section 122 shall not apply to any such order.

Construction of references to Governor.

141. As from the appointed day any reference in any law in force in Rhodesia immediately prior to that day to the Governor shall be read and construed as a reference to the Officer Administering the Government.

Validity of Constitution.

142. The validity of this Constitution and, except as provided therein, of anything done thereunder shall not be inquired into in any court and the provisions of this Constitution and anything so done shall for all purposes be regarded as valid.

Act of indemnity.

143. The Legislature may, notwithstanding anything to the contrary contained in this Constitution, pass a law for the purposes of—

(a) validating, ratifying or confirming—

(i) any declaration of the existence of a state of emergency in Rhodesia;

(ii) any regulations made for the purposes of or in connexion with such state of emergency;

(iii) anything done by any authority, person or body of persons or any court under the provisions of any such declaration or regulations;

(b) indemnifying any authority, person or body of persons against any action, indictment or proceedings in any court for, or on account of, or in respect of any act or thing whatsoever, advised, commanded, ordered, directed or done—

(i) under or by virtue of such state of emergency or such regulations during the existence of the state of emergency; or

(ii) in connexion with the attainment by Rhodesia of sovereign independent status.

Part 3—Interpretation

144. (1) In this Constitution, unless the context otherwise requires—

Interpretation of terms.

“Act” means a law enacted by the Legislature of Rhodesia;

“constitutional Bill” means a Bill which, when enacted, would have the effect of amending, adding to or repealing any of the provisions of this Constitution;

“Council of Chiefs” means the Council of Chiefs of Rhodesia established under the provisions of the Council of Chiefs and Provincial Assemblies Act [*Chapter III*] or any Act amending or replacing the same or such other body representative of the Chiefs of Rhodesia as may from time to time be established by a law of the Legislature;

“Federal” means appertaining to the former Federation of Rhodesia and Nyasaland;

“Federation” means the former Federation of Rhodesia and Nyasaland;

“*Gazette*” means the Official *Gazette* of the Government of Rhodesia;

“Governor” means the person who, immediately prior to the appointed day, held the office of Governor under the old Constitution;

“judge of the High Court” or “Judge of the High Court” means the Chief Justice, the Judge President, a judge of appeal of the appellate division of the High Court or a puisne judge;

“Officer Administering the Government” means—

(a) the Governor-General appointed by Her Majesty under paragraph (a) of subsection (2) of section 3; or

(b) the Regent appointed by the Executive Council under paragraph (b) of that subsection;

and includes an Acting Officer Administering the Government and, in so far as he is authorized to act, a Deputy to the Officer Administering the Government;

“public office” means, save as may otherwise be expressly provided by law, any paid office in the service of the Government of Rhodesia;

“public officer” means the holder of any public office;

“puisne judge” means a judge of the general division of the High Court other than the Chief Justice;

“Rhodesia” means the territory described under the old Constitution as the Colony of Southern Rhodesia;

“session” means the sittings of Parliament commencing when Parliament first meets after a prorogation or dissolution at any time and terminating when Parliament is next prorogued or dissolved without being prorogued;

“sitting” means a period during which Parliament is sitting continuously without adjournment, including any period during which Parliament is in Committee;

“the Speaker” means the Speaker of Parliament and includes the Deputy Speaker or any other Member of Parliament when presiding or acting for the Speaker in his absence, or when for any other reason he is unable to act.

(2) Any reference in this Constitution to a section, Chapter or Schedule shall, unless the context otherwise requires, be read and construed as a reference to a section, Chapter or Schedule, as the case may be, of this Constitution.

145. (1) Where any person is required by this Constitution to take an oath he shall be permitted if he so wishes to comply with that requirement by making an affirmation, and, in any such case, the forms of oath set out in the First Schedule shall be varied by—

- (a) the substitution for the word “swear” of the expression “solemnly and sincerely affirm and declare”; and
- (b) the deletion of the words “So help me God”.

(2) Any reference in this Constitution to the holder of any office by terms designating his office, shall be construed as including any person for the time being lawfully performing the duties of that office.

(3) For the purposes of this Constitution, no person shall be deemed to be holding a public office by reason only of the fact that he is in receipt of a pension, half-pay, retired pay or any other like allowance in respect of service in a public office.

(4) If it shall be provided by any law of the Legislature that any office shall or shall not be a public office for the purposes of this Constitution or any specified provision thereof, this Constitution or that provision shall have effect as if that law were enacted herein:

Provided that such law or any amendment of any such law shall not be deemed to be an amendment of any of the provisions of this Constitution for the purposes of Chapter X.

(5) Any reference in this Constitution to the passage of a motion or the final vote on any Bill by the affirmative votes of not less than two-thirds of the total membership of Parliament shall, when the total number of seats in Parliament is sixty-five, be interpreted to mean that there shall be not less than forty-four votes in favour of the motion or Bill in question.

(6) Unless the context otherwise requires, the Interpretation Act of Rhodesia for the time being in force shall apply for the interpretation of any rules, regulations or other subsidiary legislation made by the Officer Administering the Government or other authority in Rhodesia in the exercise of any power to make rules, regulations or other subsidiary legislation conferred by this Constitution.

FIRST SCHEDULE

Sections 9, 16 (3), 28, 48 (7), 49 (3), 58 (3),
87, 125 (3), 128 (4), 145 (1)

FORMS OF OATH

1. Oath of loyalty.

I, do swear that I will, in accordance with the Constitution of Rhodesia, 1965, be faithful and bear true allegiance to Her Majesty Queen Elizabeth,

Queen of Rhodesia, Her Heirs and Successors, and that I will be loyal to Rhodesia. So help me God.

2. *Oath for the due execution of office.*

I, do swear that I will, in accordance with the Constitution of Rhodesia, 1965, well and truly serve Her Majesty Queen Elizabeth, Queen of Rhodesia, Her Heirs and Successors, and that I will in all circumstances respect and uphold the aforesaid Constitution in the execution of the office of So help me God.

3. *Oath of a Member of the Executive Council.*

I, being chosen and admitted to the Executive Council of Rhodesia, do swear that I will to the best of my judgment and according to the Constitution of Rhodesia, 1965, at all times when thereto required, freely give my counsel and advice to the Officer Administering the Government of Rhodesia for the good management of the public affairs of Rhodesia, that I will not directly or indirectly reveal such matters as may be debated in the Executive Council and committed to my secrecy, but that I will in all things be a true and faithful member thereof. So help me God.

4. *Judicial Oath.*

I, do swear that I will, in accordance with the Constitution of Rhodesia, 1965, well and truly serve our Sovereign Lady Queen Elizabeth, Queen of Rhodesia, in the office of and that I will respect and uphold the aforesaid Constitution and that I will do right to all manner of people after the laws and usages of Rhodesia, without fear or favour, affection or illwill. So help me God.

5. *Oath of Secrecy of the Chairman of the Constitutional Council.*

I, do swear that I will, in accordance with the Constitution of Rhodesia, 1965, well and truly serve Her Majesty Queen Elizabeth, Queen of Rhodesia, in the office of Chairman of the Constitutional Council of Rhodesia and that I will respect and uphold the aforesaid Constitution and that I will not, directly or indirectly, reveal or give any member of the Council authority to reveal any matter debated in the Council unless I am satisfied that to do so will not be contrary to the public interest. So help me God.

6. *Oath of Secrecy of a Member of the Constitutional Council.*

I, do swear that I will, in accordance with the Constitution of Rhodesia, 1965, well and truly serve Her Majesty Queen Elizabeth, Queen of Rhodesia, as a member of the Constitutional Council of Rhodesia and that I will respect and uphold the aforesaid Constitution and that I will not, directly or indirectly, reveal any matter debated in the Council save in so far as I am expressly authorized by the Chairman of the said Council so to do. So help me God.

SECOND SCHEDULE

Section 15 (2), (3) and (4)

THE FRANCHISE

1. Two electoral rolls to be known as an "A" Roll and a "B" Roll shall be prepared and kept for each constituency and each electoral district.

2. The "A" Roll shall comprise registered voters who have the appropriate qualifications for such Roll described in paragraphs 5, 6 and 8 of this Schedule.

3. The "B" Roll shall comprise registered voters who have the appropriate qualifications for such Roll described in paragraphs 5, 6, 7 and 8 of this Schedule.

4. No person shall be registered on both an "A" Roll and a "B" Roll and no person who has the qualifications for registration on an "A" Roll shall be registered on a "B" Roll.

5. The following requirements shall be common to both an "A" Roll and a "B" Roll—

(a) *Citizenship:* Citizen of Rhodesia.

(b) *Age:* 21 years or over.

(c) *Residence:* Two years' continuous residence in Rhodesia and three months' residence in the constituency and electoral district concerned immediately preceding application for enrolment.

(d) *Language:* Adequate knowledge of the English language and ability to complete and sign the prescribed form for registration (except in the case of duly appointed Chiefs and Headmen).

6. The following additional qualifications respectively shall be required—

"A" ROLL

(a) Income of not less than £792 during each of two years preceding date of claim for enrolment, *or* ownership of immovable property of value of not less than £1,650;

OR

(b) (i) Income of not less than £528 during each of two years preceding date of claim for enrolment, *or* ownership of immovable property of value of not less than £1,100; and

(ii) completion of a course of primary education of prescribed standard;

OR

(c) (i) Income of not less than £330 during each of two years preceding date of claim for enrolment, *or* ownership of immovable property of value of not less than £550; *and*

(ii) four years' secondary education of prescribed standard;

OR

(d) Appointment to the office of Chief or Headman.

"B" ROLL

(a) Income at the rate of not less than £264 per annum during the six months preceding date of claim for enrolment, *or* ownership of immovable property of value of not less than £495;

OR

(b) (i) Income at the rate of not less than £132 per annum during the six months preceding date of claim for enrolment, *or* ownership of immovable property of value of not less than £275; and

(ii) two years' secondary education of prescribed standard;

OR

(c) Persons over 30 years of age with—

(i) Income at the rate of not less than £132 per annum during the six months preceding date of claim for enrolment, *or* ownership of immovable property of value of not less than £275; *and*

(ii) completion of a course of primary education of prescribed standard;

OR

(d) Persons over 30 years of age with income at the rate of not less than £198 per annum during the six months preceding the date of claim for enrolment, *or* ownership of immovable property of value of not less than £385;

OR

(e) All kraal heads with a following of 20 or more heads of families;

OR

(f) Ministers of Religion.

7. For the purpose of the "B" Roll, "ownership", in relation to immovable property, includes a person who has entered into an agreement of purchase of immovable property, which entitles him (on fulfilment of the conditions of the purchase agreement) to the ownership of that property, provided that such person has been in continuous occupation of such property for a period of not less than three years and is not in arrears with any instalments of the purchase price, *or* has paid 10 per centum of the purchase price.

8. A married woman shall be deemed to have the same means qualification as her husband if she has in her own right no means qualification, except that, in the case of a man married under a polygamous system, only the wife to whom he has been married for the longest period may be deemed to have the same qualification as her husband.

9. There shall be no limit on the number of persons who are entitled to be registered as voters.

10. The following provisions shall apply to the counting of votes—

(1) Where in any count for the election of a member for a constituency the total number of votes cast by voters on the "B" Roll exceeds one-fourth of the total number of votes cast by voters on the "A" Roll then, except for the purpose of determining whether or not any of the candidates should forfeit his deposit, each candidate shall be treated as having received such number of votes cast by the "B" Roll voters (any fraction of a vote being disregarded) as bears the same proportion to the number of such votes actually received by that candidate as the said one-fourth of the total number of votes cast by the "A" Roll voters (any fraction of a vote in that one-fourth being disregarded) bears to the total number of votes cast by the "B" Roll voters;

(2) Where in any count for the election of a member for an electoral district the total number of votes cast by voters on the "A" Roll exceeds one-fourth of the total number of votes cast by voters on the "B" Roll then, except for the purpose of determining whether or not any of the candidates should forfeit his deposit, each candidate shall be treated as having received such number of votes cast by the "A" Roll voters (any fraction of a vote being disregarded) as bears the same proportion to the number of such votes actually received by that candidate as the said one-fourth of the total number of votes cast by the "B" Roll voters (any fraction of a vote in that one-fourth being disregarded) bears to the total number of votes cast by the "A" Roll voters.

THIRD SCHEDULE

Section 116 (1)

SPECIALLY ENTRENCHED PROVISIONS

| <i>Chapter</i> | <i>Section</i> | <i>Chapter</i> | <i>Section</i> |
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| I | 2 | IX | 101 |
| II | 3-7 | | 102 |
| | 9 | | 104 |
| | 11 | | 111 |
| III | 12 | | 112 |
| | 15 (2), (3) and (4) | X | 114 |
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| | 61 (1) and (3) | | 122 |
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| | 93 (6) and (8) | | |
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| | 95 (1), (2), (3) and (4) | | |
| | 96 | | |

PROCLAMATION

WHEREAS in the course of human affairs history has shown that it may become necessary for a people to resolve the political affiliations which have connected them with another people and to assume amongst other nations the separate and equal status to which they are entitled:

AND WHEREAS in such event a respect for the opinions of mankind requires them to declare to other nations the causes which impel them to assume full responsibility for their own affairs:

NOW, THEREFORE, WE, THE GOVERNMENT OF RHODESIA, DO HEREBY DECLARE:

THAT it is an indisputable and accepted historic fact that since 1923 the Government of Rhodesia have exercised the powers of self-government and have been responsible for the progress, development and welfare of their people;

THAT the people of Rhodesia having demonstrated their loyalty to the Crown and to their kith and kin in the United Kingdom and elsewhere through two world wars, and having been prepared to shed their blood and give of their substance in what they believed to be the mutual interests of freedom-loving people, now see all that they have cherished about to be shattered on the rocks of expediency;

THAT the people of Rhodesia have witnessed a process which is destructive of those very precepts upon which civilization in a primitive country has been built; they have seen the principles of Western democracy, responsible government and moral standards crumble elsewhere; nevertheless they have remained steadfast;

THAT the people of Rhodesia fully support the requests of their Government for sovereign independence but have witnessed the consistent refusal of the Government of the United Kingdom to accede to their entreaties;

THAT the Government of the United Kingdom have thus demonstrated that they are not prepared to grant sovereign independence to Rhodesia on terms acceptable to the people of Rhodesia, thereby persisting in maintaining an unwarrantable jurisdiction over Rhodesia, obstructing laws and treaties with other states and the conduct of affairs with other nations and refusing assent to laws necessary for the public good; all this to the detriment of the future peace, prosperity and good government of Rhodesia;

THAT the Government of Rhodesia have for a long period patiently and in good faith negotiated with the Government of the United Kingdom for the removal of the remaining limitations placed upon them and for the grant of sovereign independence;

THAT in the belief that procrastination and delay strike at and injure the very life of the nation, the Government of Rhodesia consider it essential that Rhodesia should attain, without delay, sovereign independence, the justice of which is beyond question;

NOW, THEREFORE, WE, THE GOVERNMENT OF RHODESIA, in humble submission to Almighty God who controls the destinies of nations, conscious that the people of Rhodesia have always shown unswerving loyalty and devotion to Her Majesty the Queen and earnestly praying that we and the people of Rhodesia will not be hindered in our determination to continue exercising our undoubted right to demonstrate the same loyalty and devotion, and seeking to promote the common good so that the dignity and freedom of all men may be assured, DO, BY THIS PROCLAMATION, adopt, enact and give to the people of Rhodesia the Constitution annexed hereto.

GOD SAVE THE QUEEN.

GIVEN UNDER OUR HAND AT SALISBURY, THIS ELEVENTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SIXTY-FIVE.

Prime Minister

I. DOUGLAS SMITH

Deputy Prime Minister

CLIFFORD W. DUPONT

Ministers

WILLIAM J. HARPER

B. H. MUSSETT

J. H. HOWMAN

G. W. RUDLAND

D. LARDNER BURKE

A. P. SMITH

IAN F. McLEAN

P. VAN HEERDEN

MONTROSE

J. J. WRATHALL