
STATUTORY INSTRUMENTS

1980 No. 701

ZIMBABWE

The Zimbabwe (Independence and Membership of the Commonwealth) (Consequential Provisions) Order 1980

Laid before Parliament in draft

Made - - - - 21st May 1980

Coming into Operation in accordance with Article 1(2)

At the Court at Buckingham Palace, the 21st day of May 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of the following Order has been laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by sections 4 and 5 of the Zimbabwe Act 1979, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Zimbabwe (Independence and Membership of the Commonwealth) (Consequential Provisions) Order 1980.

(2) This Order shall be deemed to have come into operation on, and shall have effect from, the 18th day of April 1980, being the day appointed⁽¹⁾ for the purpose of section 1(1) of the Zimbabwe Act 1979 (therein and hereinafter referred to as “Independence Day”) and on which Zimbabwe became a member of the Commonwealth.

Nationality

2.—(1) Section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) shall have effect as if there were added at the end the words “and Zimbabwe”.

(2) The provisions of section 2(1) of the Zimbabwe Act 1979 shall not apply to a citizen of Southern Rhodesia who on Independence Day became a citizen of Zimbabwe.

(1) S.I. 1980/394.

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Transitional provisions as to applications for registration as a citizen of the United Kingdom and Colonies

3. Paragraph 1 and 2 of Schedule 1 to the Zimbabwe Act 1979 are hereby repealed.

Schedule 2 of the Zimbabwe Act 1979

4. The following provisions of Schedule 2 to the Zimbabwe Act 1979 are hereby repealed:—

- Paragraph 1 (Temporary savings from certain disabilities);
- Paragraph 5 (Parliamentary and local elections);
- Paragraph 7 (Right of abode in the United Kingdom);
- Paragraph 8 (Liability to deportation).

Provisions relating to the Colonial Stock Acts(2)

5.—(1) Subject to the provisions of this Article, the Colonial Stock Acts 1877 to 1948 shall apply in relation to Zimbabwe in respect of the following stock,

- (a) stock issued by the Government of Southern Rhodesia; and
- (b) stock issued by the Government of the former Federation of Rhodesia and Nyasaland for which the Government of Southern Rhodesia became responsible under the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963

(2) In its application to the stock referred to in paragraph (1) of this Article, section 20 of the Colonial Stock Act 1877 shall have effect as if for the second paragraph of that section the following were substituted:—

“(2) Any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may institute civil proceedings in the United Kingdom against the registrar in relation to that stock or dividend.”

The Southern Rhodesia (Legal Proceedings and Public Liabilities) Order 1979(3)

6.—(1) The Southern Rhodesia (Legal Proceedings and Public Liabilities) Order 1979 shall have effect, as it applies in the law of the United Kingdom,—

- (a) as if the references therein to the Crown in right of, or in respect of, the Government of Southern Rhodesia included a reference to the Government of Zimbabwe;
- (b) as if the references in Article 4(2) thereof to the person appointed by Her Majesty to administer the Government of Southern Rhodesia, or any officer or agent of that Government, included a reference to a Minister of the Government of Zimbabwe or, as the case may be, an officer or agent of the Government of Zimbabwe.

(2) Nothing in this Article shall be construed as limiting or otherwise affecting the powers or functions conferred upon a Secretary of State by Article 3 of that Order.

Provisions relating to other enactments or instruments

7. The enactments and instruments specified in the Schedule to this Order shall have effect subject to the modifications therein specified.

(2) 1877 c. 59, 1892 c. 35, 1900 c. 62, 1948 c. 1 (12, 13, & 14 Geo 6).

(3) S.I. 1979/1601.

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N.E. Leigh
Clerk of the Privy Council

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THE SCHEDULE

Article 7

Commonwealth Institute

1. In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute), at the end there shall be added the words “and Zimbabwe”.

Diplomatic Immunities

2.—(1) In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the word “and” in the last place where it occurs there shall be inserted the word “Zimbabwe”.

(2) Article 2(2) of the Diplomatic Privileges (Citizens of the United Kingdom and Colonies) Order 1964 shall have effect as if there were inserted before the word “and” where it last occurs the word “Zimbabwe”.

Evidence

3.—(1) section 7 of the Evidence Act 1851 shall have effect in relation to Zimbabwe as if the references therein to a British Colony or to persons or things related thereto included a reference to a Commonwealth country and to persons and things related to a Commonwealth country.

(2) The following enactments,

- section 1 of the Evidence by Commission Act 1859,
- sections 1 and 5 of the British Law Ascertainment Act 1859, and
- section 1 of the Evidence (Colonial statutes) Act 1907.

shall have effect in relation to Zimbabwe as if the references therein to Her Majesty's dominions or His Majesty's dominions, or any part thereof, or to persons and things related thereto, included a reference to a Commonwealth country and to persons or things related to a Commonwealth country.

Judgments etc

4.—(1) The following enactments and instrument,

- Part II of the Administration of Justice Act 1920,
- section 7 of the Foreign Judgments (Reciprocal Enforcement) Act 1933,
- section 51 of the Administration of Justice Act 1956,
- the Reciprocal Enforcement of Judgments (General Application to His Majesty's Dominions etc.) Order 1933.

shall have effect in relation to Zimbabwe as if the references therein to a part of His Majesty's Dominions outside the United Kingdom, or to persons or things related thereto, included a reference to a Commonwealth country and to persons or things related to a Commonwealth country.

(2) The Order in Council⁽⁴⁾ made under section 13 of the Administration of Justice Act 1920 on 4 May 1923 in respect of Southern Rhodesia and another territory shall have effect as if the reference to Southern Rhodesia were a reference to Zimbabwe.

(4) SR & O 1923/564.

Marriage

5. The Marriage of British Subjects (Facilities) Act 1915 shall have effect in relation to Zimbabwe as if the reference to any part of His Majesty's dominions outside the United Kingdom included a reference to a Commonwealth country; and the Order in Council⁽⁵⁾ made under section 2 of that Act on 15 August 1918 in respect of Southern Rhodesia shall have effect as if the reference to Southern Rhodesia were a reference to Zimbabwe.

Prevention of Fraud

6. Section 26(5) of the Prevention of Fraud (Investments) Act 1958 (construction of references to Her Majesty's dominions) shall have effect as if the words “and Zimbabwe” were omitted.

The Services

7. In the definitions—

- (a) of “Commonwealth force” in section 225(1) of the Army Act 1955 and section 223(1) of the Air Force Act 1955, and
- (b) of “Commonwealth country” in section 135(1) of the Naval Discipline Act 1957,

at the end there shall be added the words “or Zimbabwe”.

Ships

8. In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words “or in any” there shall be inserted the words “or Zimbabwe”.

Solicitors

9.—(1) The Colonial Solicitors Act 1900 shall have effect in relation to Zimbabwe as if the reference to a British possession included a reference to a Commonwealth country.

(2) The Order in Council⁽⁶⁾ made under the Colonial Solicitors Act 1900 on 23rd May 1916 in respect of Southern Rhodesia, and Schedule 1 to the Overseas Solicitors (Admission) Order 1964, shall have effect as if the references therein to Southern Rhodesia were references to Zimbabwe.

Taxation

10. The Double Taxation Relief (Taxes on Income) (Southern Rhodesia) Order 1965 shall have effect as if the references therein to Southern Rhodesia were references to Zimbabwe.

Visiting forces

11.—(1) In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Zimbabwe as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

(2) In the Visiting Forces Act 1952, in section 1(1)(a) (countries to which the Act applies) at the end there shall be added the words “Zimbabwe or”.

(5) SR & O 1918/1066.

(6) SR & O 1916/386.

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(3) Until express provision with respect to Zimbabwe is made by an Order in Council under section 8 of the Act of 1952 (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Zimbabwe.

EXPLANATORY NOTE

This Order makes provision in the law of the United Kingdom consequent upon Zimbabwe becoming independent and a member of the Commonwealth. It has effect (Article 1(2)) from Independence Day, the 18th April 1980.

Article 2 of the Order adds Zimbabwe to the list of those Commonwealth countries having a separate citizenship with the consequence that persons who are citizens of Zimbabwe also have the status of British Subjects or Commonwealth Citizens. Articles 3 and 4 repeal temporary provisions of the Zimbabwe Act 1979 which were made on the basis that Zimbabwe was not a member of the Commonwealth.

Article 5 continues the applicability of the Colonial Stocks Acts to stock issued by the Southern Rhodesian Government or for which that Government assumed responsibility (and which, in turn, become the responsibility of the Government of Zimbabwe).

Article 6 modifies the Southern Rhodesia (Legal Proceedings and Public Liabilities) Order 1979 so that, inter alia, references to the Crown in right of Southern Rhodesia may be read as including references to the Government of Zimbabwe.

Article 7 and the Schedule modify a number of other enactments and instruments to provide for their application in relation to Zimbabwe after independence. Certain provisions relating to diplomatic immunity, evidence, judgments, facilities for certain marriages, the prevention of fraud, solicitors and double taxation relief will continue to apply in relation to Zimbabwe. Zimbabwe is accorded the status of a Commonwealth country in relation to the Commonwealth Institute, and to service and visiting forces law.