



Zimbabwe Act 1979

CHAPTER 60

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ELIZABETH II



Zimbabwe Act 1979

1979 CHAPTER 60

An Act to make provision for, and in connection with, the attainment by Zimbabwe of fully responsible status as a Republic. [20th December 1979]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) On such day as Her Majesty may by Order in Council appoint (in this Act referred to as “Independence Day”) Southern Rhodesia shall become an independent Republic under the name of Zimbabwe, and the unexpired provisions of the Southern Rhodesia Act 1965 shall cease to have effect. Independence for Zimbabwe. 1965 c. 76.

(2) On and after Independence Day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Zimbabwe; and no Act of the Parliament of the United Kingdom passed on or after that day shall extend, or be deemed to extend, to Zimbabwe as part of its law.

(3) An Order in Council under this section shall be laid before Parliament after being made.

2.—(1) In section 1(3) of the British Nationality Act 1948 (which specifies the countries whose citizens are by virtue of that citizenship British subjects) the words “Southern Rhodesia” are hereby repealed as from Independence Day; and accordingly any person who immediately before that day is a British subject by virtue only of his citizenship of Southern Rhodesia shall cease to be a British subject on that day. Nationality. 1948 c. 56.

(2) The transitional provisions contained in Schedule 1 shall have effect as to applications by citizens of Zimbabwe for registration as citizens of the United Kingdom and Colonies.

Amnesty in respect of certain acts.

S.I. 1979/1571.

3.—(1) No criminal proceedings or proceedings in tort or for reparation shall be instituted in any court of law in any part of the United Kingdom in respect of any act to which this section applies done, whether in the United Kingdom or in Southern Rhodesia or elsewhere, before the date on which the Governor appointed by Her Majesty under the Southern Rhodesia Constitution (Interim Provisions) Order 1979 entered upon the duties of his office in the seat of government of Southern Rhodesia.

(2) The acts to which this section applies are—

- (a) the making with respect to Southern Rhodesia of the purported declaration of independence on 11th November 1965;
- (b) the purported making of constitutional provision for Southern Rhodesia otherwise than under the authority of the Parliament of the United Kingdom, and in particular the making of any of the instruments styling themselves respectively “the Constitution of Rhodesia 1965”, “the Constitution of Rhodesia 1969” and “the Constitution of Zimbabwe Rhodesia 1979”;
- (c) any act (including any act by way of conspiracy or incitement) preparatory or incidental to any act falling within paragraph (a) or (b);
- (d) any act which would have been lawful if the instruments mentioned in paragraph (b) had been lawfully made;
- (e) any act done on or after 11th November 1965 in the conduct or on the orders of any organisation having the purpose of resisting, frustrating or overthrowing the administration purporting to be the Government of Rhodesia or of Zimbabwe Rhodesia established under any of the instruments mentioned in paragraph (b), being an act done in good faith for any of those purposes;
- (f) any act done in good faith on or after 11th November 1965 for the purpose of resisting or combating any such organisation as is mentioned in paragraph (e) or resisting, or securing the apprehension of, any person acting in the conduct or on the orders of any such organisation.

(3) Any criminal proceedings or proceedings in tort or for reparation in respect of any act to which this section applies which are pending in any court in the United Kingdom on the day on which this Act is passed shall be treated as discontinued on that day; and any judgment, order or decree of any court in the United Kingdom given or made before that day in any proceedings in tort or for reparation in respect of any act to which

this section applies shall, so far as not enforced before that day, be unenforceable.

(4) In this section “ act ” includes an omission, and references to the doing of an act shall be construed accordingly.

4.—(1) Her Majesty may by Order in Council—

- (a) make such modifications of any enactment of the Parliament of the United Kingdom or of any instrument having effect by virtue of such an enactment as appear to Her to be necessary or expedient in consequence of section 1 or 2(1);
- (b) make such provision as appears to Her to be necessary or expedient for regulating the satisfaction of claims against any assets in the United Kingdom owned by, or held by any person on behalf of, the Government of Zimbabwe as the successor in title of the Government of Southern Rhodesia.

Powers exercisable in connection with Zimbabwe's becoming independent.

(2) An Order in Council under this section may be made at any time after the passing of this Act but, if made before Independence Day, shall not come into force before that day.

(3) Any provision made by Order in Council under this section after Independence Day may be made with retrospective effect as from Independence Day or any later date.

(4) Subject to subsection (5), any provision made by an Order in Council under this section with respect to any such enactment or instrument as is mentioned in subsection (1)(a) shall, except in so far as the Order otherwise provides, have effect as part of the law of every place to which the enactment or instrument in question extends.

(5) An Order in Council under this section shall not have effect as part of the law of any associated state or of any country or territory for whose government, at the date on which the Order is made, Her Majesty's Government in the United Kingdom have no responsibility.

(6) The power of modification conferred by subsection (1)(a) applies to enactments and instruments whenever passed or made.

(7) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Provision in event of Zimbabwe becoming a member of the Commonwealth.

5.—(1) If at any time Zimbabwe becomes a member of the Commonwealth, Her Majesty may by Order in Council make such modifications of any enactment of the Parliament of the United Kingdom or of any instrument having effect by virtue of such an enactment as appear to Her to be necessary or expedient in consequence of that event.

(2) Without prejudice to the generality of subsection (1), an Order in Council under this section—

1948 c. 56.

(a) may modify subsection (3) of section 1 of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) so as to add Zimbabwe to the countries mentioned in that subsection; and

(b) may repeal or modify any provision contained in Schedule 1 or 2 to this Act.

(3) Any provision made by Order in Council under this section after Zimbabwe becomes a member of the Commonwealth may be made with retrospective effect as from the date of that event or any later date.

(4) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Other provisions as to existing laws.

1958 c. 45.

6.—(1) The provisions of Schedule 2 (continuation of certain provisions in relation to Zimbabwe, and savings) shall have effect.

(2) Section 26(5) of the Prevention of Fraud (Investments) Act 1958 (construction of references to Her Majesty's dominions) shall be amended as from Independence Day by the insertion of the words "and Zimbabwe" after the words "South Africa".

(3) The enactments and instruments mentioned in Schedule 3 are hereby repealed as from Independence Day to the extent specified in the third column of that Schedule.

Citation etc.

7.—(1) This Act may be cited as the Zimbabwe Act 1979.

(2) An Order in Council under any provision of this Act may contain such transitional or other incidental and supplementary provisions as appear to Her Majesty to be expedient.

(3) In this Act "modifications" includes additions, omissions and alterations, and related expressions shall be construed accordingly.

SCHEDULES

SCHEDULE 1

Section

TRANSITIONAL PROVISIONS AS TO APPLICATIONS FOR REGISTRATION AS A CITIZEN OF THE UNITED KINGDOM AND COLONIES

1. A person whose application for registration as a citizen of the United Kingdom and Colonies was received but not determined before Independence Day shall be treated for the purposes of his application as if Zimbabwe were a country mentioned in section 1(3) of the 1948 Act.

2. A person whose application for registration as a citizen of the United Kingdom and Colonies is received on or after Independence Day shall be treated for the purposes of his application as if Zimbabwe were a country mentioned in section 1(3) of the 1948 Act if the application is made under section 5A(1) of the 1948 Act or section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, and is received before the first anniversary of Independence Day or such later date as the Secretary of State may in the special circumstances of any particular case allow. 1971 c. 77.

3. Notwithstanding the provision in paragraph (a) of section 3(1) of the British Nationality Act 1958 that (subject to limited exceptions) no person shall be registered as a citizen of the United Kingdom and Colonies under section 12(6) of the 1948 Act (as amended by the said section 3(1)) on an application made after the end of the year 1962, a citizen of Zimbabwe (and any of his minor children) may be so registered— 1958 c. 10.

- (a) on an application made on or after 18th November 1965 which was received but not determined before Independence Day; or
- (b) on an application received before the first anniversary of Independence Day or such later date as the Secretary of State may in the special circumstances of any particular case allow.

4. In this Schedule "the 1948 Act" means the British Nationality Act 1948. 1948 c. 56.

SCHEDULE 2

Section 6(1).

CONTINUATION OF CERTAIN PROVISIONS IN RELATION TO ZIMBABWE, AND SAVINGS

Temporary saving from certain disabilities

1.—(1) Until the end of the period of twelve months beginning with Independence Day, a citizen of Zimbabwe shall not be subject, in respect of any office, place, or employment held by him immediately before that day, or any qualification to act in any capacity in which he was acting immediately before that day, to any disability imposed in

SCH. 2 the case of aliens by or by virtue of any of the following enactments, that is to say—

1700 c. 2.

(a) section 3 of the Act of Settlement;

1919 c. 92.

(b) sections 4 to 6 of the Aliens Restriction (Amendment) Act 1919;

(c) any Northern Ireland legislation, or any regulations in force under any such legislation.

(2) For the purposes of sub-paragraph (1) a person who immediately before Independence Day was on leave or otherwise temporarily absent from employment in any capacity mentioned in section 5(1) of the Aliens Restriction (Amendment) Act 1919 (master etc. of British merchant ship) shall be treated as if he were employed in such employment immediately before that day; and where sub-paragraph (1) applies to any person in respect of any office, place or employment held by him immediately before that day, it shall apply to him also in respect of any office, place or employment to or in which he may be appointed thereafter by way of re-engagement or transfer.

(3) If, at the end of the period of twelve months mentioned in sub-paragraph (1), a person to whom that sub-paragraph applies is awaiting determination of an application by him for registration as a citizen of the United Kingdom and Colonies, that sub-paragraph shall apply as if for the period of twelve months there mentioned there were substituted a period ending on the determination of his application.

(4) A person who by virtue of section 2(1) ceases to be a British subject shall not for that reason be precluded from remaining a member of a local authority until his membership ceases on some other ground.

Colonial probates

1892 c. 6.

2.—(1) The Colonial Probates Act 1892 (which provides for the recognition in the United Kingdom of probates and letters of administration granted in British possessions) shall apply in relation to Zimbabwe as it applies in relation to a British possession, and any Order in Council in force under that Act in relation to Southern Rhodesia immediately before Independence Day shall have effect on and after that day as if any reference to Southern Rhodesia were a reference to Zimbabwe.

(2) Nothing in sub-paragraph (1) shall affect the operation of the said Act of 1892 with respect to probate or letters of administration granted before Independence Day by a court in Southern Rhodesia.

Maintenance orders

1920 c. 33.

3.—(1) The Maintenance Orders (Facilities for Enforcement) Act 1920 (which provides for the enforcement in England, Wales and Northern Ireland of maintenance orders made in parts of Her Majesty's dominions outside the United Kingdom, and vice versa) shall apply in relation to Zimbabwe as it applies in relation to a part of Her Majesty's dominions, and any Order in Council in force under that Act in relation to Southern Rhodesia immediately before Independence Day shall have effect on and after that day as if any reference to Southern Rhodesia were a reference to Zimbabwe.

(2) For the purposes of the application of the said Act of 1920 in accordance with sub-paragraph (1), references in that Act to the governor of a part of Her Majesty's dominions shall, in the case of Zimbabwe, be construed as references to the Minister of Justice.

(3) Nothing in sub-paragraph (1) or (2) shall affect the operation of the said Act of 1920 with respect to any maintenance order made before Independence Day by a court in Southern Rhodesia.

(4) An order under section 49(2) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 appointing a day for the coming into operation of the repeal by that Act of the Maintenance Orders (Facilities for Enforcement) Act 1920 may include provision, to take effect on that day, for the repeal of the preceding provisions of this paragraph.

Company registers

4. The following provisions, namely—

- (a) sections 119 to 122 of the Companies Act 1948 and sections 116 to 118 of the Companies Act (Northern Ireland) 1960 (which enable a company registered in Great Britain, or in Northern Ireland, to keep in any other part of Her Majesty's dominions a branch register of its members resident there); and
- (b) section 123 of the said Act of 1948 (which enables a company registered in another part of Her Majesty's dominions to keep in Great Britain a branch register of its members resident there),

shall apply in relation to Zimbabwe as they apply in relation to a part of Her Majesty's dominions.

Parliamentary and local elections

5.—(1) Where a person by virtue of section 2(1) ceases to be a British subject—

- (a) if immediately before Independence Day he was registered in a register of parliamentary electors or local government electors, he shall be treated as remaining a British subject for the purposes of any election at which that register is used;
- (b) if—
- (i) on the qualifying date for a parliamentary or local government election held within the period of twelve months beginning with 16th February in a year to which this paragraph applies he is awaiting determination of an application received before the first anniversary of Independence Day for his registration as a citizen of the United Kingdom and Colonies, and

(ii) where the application was made under section 5A of the British Nationality Act 1948 or section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, he

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was throughout the relevant period ending with that qualifying date ordinarily resident in the United Kingdom,

he shall be treated as a British subject for the purposes of any election at which a register of parliamentary electors or local government electors published in that year is used.

(2) For the purposes of sub-paragraph (1)(b)(ii) "the relevant period" ending as there mentioned—

1948 c. 56.

(a) in the case of an application under section 5A of the British Nationality Act 1948, is the period of five years so ending;

(b) in the case of an application under section 6(1) of that Act, is the period beginning with 1st January 1973 and ending as aforesaid.

(3) Paragraph (b) of sub-paragraph (1) applies to the year 1980 and any subsequent year, not being later than such year as the Secretary of State may specify in an order (made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament) as the final year to which that paragraph is to apply.

S.I. 1974/648.

S.I. 1969/905.

S.I. 1975/850.

1962 c. 14 (N.I.).

(4) The Representation of the People Regulations 1974, the Representation of the People (Northern Ireland) Regulations 1969, the Representation of the People (Scotland) Regulations 1975 and Schedule 3 to the Electoral Law Act (Northern Ireland) 1962 shall each have effect as if the requirements that may be made under regulation 24(1), regulation 10(1), regulation 24(1) and Rule 8(2) respectively included a requirement that a person who asserts that he is entitled to be registered by virtue of sub-paragraph (1) should make a statutory declaration as to any fact relevant in establishing that entitlement.

Dentists and veterinary surgeons

6. A person who on Independence Day is registered by virtue of a qualification granted in Southern Rhodesia—

1957 c. 28.

(a) in the Commonwealth list contained in the dentists register kept under the Dentists Act 1957, or

1966 c. 36.

(b) in the Commonwealth list contained in the veterinary surgeons register kept under the Veterinary Surgeons Act 1966,

shall not cease to be so registered by reason of anything contained in this Act or of any decision as to Zimbabwe's membership of the Commonwealth.

Right of abode in the United Kingdom

7.—(1) Until the end of the period of twelve months beginning with Independence Day—

1971 c. 77.

(a) subsection (1)(d) of section 2 of the Immigration Act 1971 (right of abode) shall have effect in the case of a person who—

(i) is a citizen of Zimbabwe, and

(ii) was immediately before that day a citizen of Southern Rhodesia,

as if he had remained a Commonwealth citizen; and

(b) subsection (2) of that section shall have effect accordingly.

(2) Section 36 of the said Act of 1971 (power to extend provisions to Channel Islands and Isle of Man) shall apply to the provisions of this paragraph as it applies to provisions of that Act.

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Liability to deportation

8.—(1) Until the end of the period of twelve months beginning with Independence Day section 7 of the Immigration Act 1971 (which provides that certain Commonwealth citizens ordinarily resident in the United Kingdom are not liable to deportation) shall continue to apply to a person who by virtue of section 2(1) of this Act ceases to be a Commonwealth citizen on that day. 1971 c. 77.

(2) If when that period expires such a person is awaiting the determination of an application made by him for registration as a citizen of the United Kingdom and Colonies, the said section 7 shall continue to apply to him until that application is determined, subject to sub-paragraph (3).

(3) In the further period provided for by sub-paragraph (2) a recommendation for deportation under section 3(6) of the said Act of 1971 (recommendation by court convicting of offence punishable with imprisonment) may be made in respect of a person to whom that sub-paragraph applies, but no effect shall be given to such a recommendation unless and until that person's application for registration as a citizen of the United Kingdom and Colonies is refused.

(4) Section 36 of the said Act of 1971 (power to extend provisions to Channel Islands and Isle of Man) shall apply to the provisions of this paragraph as it applies to provisions of that Act.

Section 6(3).

SCHEDULE 3

REPEALS

Acts

Chapter	Short title	Extent of repeal
15 & 16 Geo. 5. c. xvii.	Imperial Institute Act 1925.	In Schedule 2, in paragraph (1)(b), the words "one by the Government of Southern Rhodesia".
16 & 17 Geo. 5. c. 40.	Indian and Colonial Divorce Jurisdiction Act 1926.	In section 2(2), the words "the Colony of Southern Rhodesia".
18 & 19 Geo. 5. c. 35.	Easter Act 1928.	In the Schedule, in Part I, the words "Southern Rhodesia".
9 & 10 Geo. 6. c. 45.	United Nations Act 1946.	In section 1(2), the words "Southern Rhodesia".
12, 13 & 14 Geo. 6. c. 67.	Civil Aviation Act 1949.	Section 66(2).
9 & 10 Eliz. 2. c. 11.	Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961.	In section 1(5), the words "Southern Rhodesia".
10 & 11 Eliz. 2. c. 2.	Southern Rhodesia (Constitution) Act 1961.	The whole Act.
1964 c. 81.	Diplomatic Privileges Act 1964.	Section 8(2).
1965 c. 76.	Southern Rhodesia Act 1965.	The whole Act.
1973 c. 45.	Domicile and Matrimonial Proceedings Act 1973.	Section 17(3).
1978 c. 2.	Commonwealth Development Corporation Act 1978.	In section 17(1), in the definition of "dependent territory", the words "excluding Southern Rhodesia".
1978 c. 33.	State Immunity Act 1978.	In section 4(5), the words "or a citizen of Southern Rhodesia".
1979 c. 52.	Southern Rhodesia Act 1979.	Section 3(4) and (5).

Instruments

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Number	Title	Extent of repeal
S.I. 1964/2043.	Diplomatic Privileges (Citizens of the United Kingdom and Colonies) Order 1964.	In Article 2(2), the words "to Southern Rhodesia".
S.I. 1965/1125.	Judicial Committee (Southern Rhodesia) Order 1965.	The whole Order.
S.I. 1965/1952.	Southern Rhodesia Constitution Order 1965.	The whole Order.
S.I. 1965/1957.	Southern Rhodesia (British Nationality Act 1948) Order 1965.	The whole Order.
S.I. 1970/892.	Southern Rhodesia (Higher Authority for Power) Order 1970.	The whole Order.
S.I. 1970/1540.	Southern Rhodesia (Matrimonial Jurisdiction) Order 1970.	The whole Order.
S.I. 1970/1903.	Consular Relations (Merchant Shipping) (Republic of Austria) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1904.	Consular Relations (Merchant Shipping) (Kingdom of Belgium) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1905.	Consular Relations (Merchant Shipping) (Kingdom of Denmark) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1907.	Consular Relations (Merchant Shipping) (Federal Republic of Germany) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1909.	Consular Relations (Merchant Shipping) (Italian Republic) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1910.	Consular Relations (Merchant Shipping) (Japan) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1911.	Consular Relations (Merchant Shipping) (United States of Mexico) Order 1970.	In Article 3(a), the words "a citizen of Southern Rhodesia".
S.I. 1970/1913.	Consular Relations (Merchant Shipping) (Spanish State) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1917.	Consular Relations (Merchant Shipping) (Socialist Federal Republic of Yugoslavia) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1972/1718.	Southern Rhodesia (Marriages, Matrimonial Causes and Adoptions) Order 1972.	The whole Order.
S.I. 1979/1374.	Southern Rhodesia (Immunity for Persons attending Meetings and Consultations) (No. 2) Order 1979.	The whole Order.

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