

(4) If any member of the Legislative Council objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting and, if he furnishes a copy of that statement and requests the Governor to do so, the Governor shall, as soon as is practicable, forward a copy to a Secretary of State.

(5) Any declaration made under this section other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor shall cause notice of the revocation to be published in the *Gazette*; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and section thirty-eight (2) of the Interpretation Act, 1889, shall apply to the revocation as it applies to the repeal of an Act of Parliament.

(6) The powers conferred on the Governor by this section shall be exercised by him in his discretion.

Assent to  
Bills

55. (1) When a Bill has been passed by the Legislative Council it shall be presented to the Governor who shall thereupon, acting in his discretion, either—

(a) in Her Majesty's name and on Her Majesty's behalf—

(i) himself assent to the Bill and sign the Bill in token thereof; or

(ii) himself declare that assent is withheld from the Bill; or

(b) reserve the Bill for the signification of Her Majesty's pleasure.

(2) When a Bill has been reserved for the signification of Her Majesty's pleasure and Her Majesty is pleased to assent thereto, that assent shall be given through a Secretary of State.

(3) A Bill passed by the Legislative Council shall become a law—

(a) if the Bill is assented to by the Governor on the day when that assent is given;

(b) if the Bill is reserved for the signification of Her Majesty's pleasure and is assented to by Her Majesty, on the day when the Governor signifies that assent by proclamation in the *Gazette*;

but in either case that law shall not come into operation before the day on which it is published in the *Gazette*, without prejudice, however, to any provisions of that law or any other law postponing its operation or giving it retrospective effect.

Restriction  
of powers of  
legislature

56. Nothing in this Part of the Constitution shall empower the Governor and the Legislative Council to enact any provision of law that is inconsistent with any obligation

imposed upon Her Majesty's Government by any written agreement affecting Northern Rhodesia or any rights exercisable in Northern Rhodesia, being an agreement in which Her Majesty's Government have declared that they regard themselves as responsible for the carrying out of that agreement by the Government for the time being of Northern Rhodesia.

57. (1) No law or instrument to which this section applies shall come into operation in the Barotseland Protectorate unless the Litunga and Council signifies that he consents to its having effect in the Protectorate.

(2) For the purposes of this section the consent of the Litunga and Council shall be signified by writing under his hand and whenever such consent has been given in relation to any law or instrument, notification of the consent shall be published in the *Gazette*.

(3) This section applies to any law made by the Governor and the Legislative Council after the commencement of this Constitution, and any instrument having the force of law made in pursuance of any such law, that is inconsistent with any of the provisions of the relevant agreements, including in particular (without prejudice to the generality of the foregoing) the provisions of the relevant agreements relating to the following matters within the Barotseland Protectorate:

- (a) land;
- (b) the Barotse Native Government;
- (c) the Barotse Native Courts;
- (d) the registration of persons;
- (e) collective punishment;
- (f) forests;
- (g) the control of bush fires;
- (h) the control of game;
- (i) fishing; and
- (j) the supply of native beer.

(4) In this section "the relevant agreements" means—

- (a) the concessions mentioned in section *eighty* of this Constitution;
- (b) the agreements made in 1924, with the approval of a Secretary of State, between the Governor of Northern Rhodesia of the one part and Yeta Paramount Chief of Barotseland of the other part;
- (c) the agreement dated 29th April, 1954, between Her Majesty of the one part and Mwanawina III Paramount Chief of the Barotseland Protectorate of the other part;

and where any agreement or concession referred to in paragraph (a), (b) or (c) of this subsection has been amended or replaced by any other agreement to which Her Majesty or the Governor,

Commence-  
ment of  
certain laws  
in Barotse-  
land Pro-  
tectorate

(5) It shall be the duty of a Commission to which a matter is referred under this section to advise the Governor thereon but the Governor shall not be obliged to act in accordance with the advice given to him by the Commission.

(6) The powers of the Governor under this section shall be exercised by him in his discretion.

## PART IX.

### MISCELLANEOUS.

77. (1) The Governor may by proclamation in the *Gazette* divide Northern Rhodesia into Provinces, or divide Provinces into Districts, in such manner and with such subdivisions as may be convenient for the purposes of administration, describing the boundaries thereof and assigning names thereto.

Division of Northern Rhodesia into Provinces and Districts

(2) Any question whether any place is within any Province or District shall be determined by the Governor, acting in his discretion.

78. (1) Whenever a substantive holder of an office established by or under this Constitution is on leave of absence pending relinquishment of his office—

Concurrent appointments and reappointments

(a) another person may be appointed substantively to that office; and

(b) that person shall, for the purpose of any function attached to that office, be deemed to be the sole holder of that office.

(2) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to that office in accordance with the provisions of this Constitution.

79. (1) Any person who is appointed to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed.

Resignations

(2) The resignation of any person from any office established by this Constitution shall take effect when the writing signifying the resignation is received by the person or authority to whom it was addressed in accordance with the provisions of this Constitution or by any person authorised by that person or authority to receive it.

80. (1) It shall not be lawful for any purpose whatever, except with the consent of the Litunga of the Barotseland Protectorate and with the approval of a Secretary of State, to alienate from the Litunga and the people of the Protectorate any part of the Protectorate.

Protection of rights of Litunga and people of Barotseland Protectorate

(2) All rights of whatsoever kind reserved to or for the benefit of natives by the concessions from Lewanika Paramount Chief of Barotseland to the British South Africa Company dated the seventeenth day of October, 1900, and the eleventh day of August, 1909, respectively, as approved by a Secretary of State and as varied from time to time by any agreement to which Her Majesty or the Governor with the approval of a Secretary of State is a party, shall continue to have full force and effect.

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(3) No court other than a court recognised under the Barotse Native Courts Ordinance shall have any original or appellate jurisdiction in respect of land rights in the Barotse-land Protectorate that are governed by Barotse law and custom:

Provided that nothing in this subsection shall be construed as limiting the jurisdiction and powers of the High Court in relation to prerogative writs or prerogative orders.

Interpreta-  
tion

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

“ Chief ” means—

- (a) the Litunga of the Barotseland Protectorate;
- (b) an African who is recognised by the Litunga and Council to be a member of a ruling tribal family in the Protectorate and who, on the advice of the Resident Commissioner, is recognised by the Governor to be of chiefly status in the Protectorate; or
- (c) an African who is recognised by the Governor under the provisions of the Native Authority Ordinance as a Paramount Chief, Senior Chief, Chief or Sub-Chief or an African who is appointed a Deputy Chief under that Ordinance;

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

“ the Federal Assembly ” means the Federal Assembly of the Federation;

“ the *Gazette* ” means the Northern Rhodesia Government *Gazette*;

“ the Litunga and Council ” means the Litunga of the Barotseland Protectorate after consultation with his Council as constituted by Barotse custom but not necessarily in such Council assembled;

“ meeting ” in relation to the Legislative Council means all sittings of the Council held during a period beginning when the Council first meets after being summoned at any time and terminating when