PROPOSED FEDERATION OF SOUTHERN RHODESIA,
NORTHERN RHODESIA AND NYASALAND

Memorandum by the Secretary of State for Commonwealth
Relations and the Secretary of State for the Colonies

We circulate -

(a) The final revise (Appendix I) of a White Paper to be published on
Wednesday, 18th June, containing a Draft Federal Scheme prepared by a Conference
representative of the United Kingdom, Southern Rhodesia, Northern Rhodesia and
Nyasaland Governments, which met at Lancaster House from 23rd April to
5th May, 1952. It is being published in accordance with undertakings already given
to Parliament.

(b) The draft basis of a statement to be made in both Houses on the day of
publication (Appendix II).

2. Last year a conference of officials of the four Governments drew up
proposals for the federation of the three Central African territories. These
were published in June, 1951 (Cmd. 8233) and were commended by the Labour
Government as "a constructive approach to the problem".

3. A Conference attended by our predecessors was held at Victoria Falls
in September, 1951, to discuss the proposals. It was inconclusive, and adjourned
till mid-1952.

4. In November the Cabinet, having considered C. (51) 11, authorised
(a) a Parliamentary statement announcing the support of the present Government
for the principle of federation on the general lines of the officials' report
(see Cmd. 8411); and (b) the holding of further discussions with the Central
African Governments in preparation for the resumption of the adjourned
Conference.

5. These further discussions brought out clearly the urgent need to dispel
misunderstandings and misrepresentations of the federal proposals by placing
before the public as early as possible a comprehensive draft federal scheme.
Accordingly the date of the re-convened Conference was advanced to April.

6. African representatives from Northern Rhodesia and Nyasaland declined
an invitation to attend; but in other respects the Conference was a success.
It agreed upon a draft Federal Scheme, and set up three Commissions to
examine during the summer the problems arising in the fields of finance, the
civil service and the judiciary.

7. Paragraph 12 of the preface in the forthcoming White Paper (Appendix I,
page 4) summarises the Scheme. While following the broad lines of the
officials' recommendations it abandons the proposal to include in the Federal
Cabinet a specially appointed Minister for African Interests, strengthens the African Affairs Board and gives Parliament opportunity to examine any proposals for constitutional amendment which are not acceptable to Africans.

8. The new features should help to commend the Scheme both to Africans and to critics in this country. We intend to ensure that it is fully understood in Central Africa, and our purpose is that a further Conference should be held later in the year in Africa to consider the reports of the three Commissions and put the Draft Scheme into final shape. It would then be submitted to a referendum of the Southern Rhodesia electorate and to the Legislatures of Northern Rhodesia and Nyasaland for ratification.

9. Before the next Conference we shall have need to consult our colleagues further on the future policy of Her Majesty's Government and particularly on the issue whether federation is to be introduced if a reasonable measure of African acquiescence is not forthcoming. This crucial issue need not be decided now.

10. We propose, with the approval of our colleagues, to introduce the White Paper to Parliament with a statement on the lines of the draft attached (Appendix II).

S.
O.L.

13TH JUNE, 1952
APPENDIX 1

CONFIDENTIAL—FINAL REVISE

SOUTHERN RHODESIA
NORTHERN RHODESIA
AND NYASALAND

Draft Federal Scheme

prepared by a Conference held in London in April and May, 1952
Africa: showing the position of Central African Territories
The Central African Territories
PROPOSED FEDERATION OF SOUTHERN RHODESIA, NORTHERN RHODESIA AND NYASALAND

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I. BACKGROUND

The question of closer political association between Southern Rhodesia, Northern Rhodesia and Nyasaland has been under consideration for many years. A Royal Commission under the chairmanship of Lord Bledisloe, which reported in 1939,* concluded that the time was not then ripe for amalgamation or (although they did not consider such a solution in detail) for federation. The main reasons for the Commission's conclusion were the differences in native policy between Southern Rhodesia and the northern Territories, their different stages of political and social development and the financial weakness of the northern Territories. The Commission recommended the establishment of regular consultative machinery. This was set up, in the form of the Central African Council, in 1945, and it has done much useful work within the limits imposed by its constitution and its lack of executive powers.

2. A growing consciousness of the limitations of purely consultative machinery led, however, to the revival of the idea of closer political association and the then Secretary of State for the Colonies, the Rt. Hon. James Griffiths, M.P., stated in the House of Commons on the 8th November, 1950, that His Majesty's Government had decided that there should be a fresh examination of the problem of the closer association of the three Territories. He announced that a conference of officials of the three Central African Governments, His Majesty's Government in the United Kingdom, and the Central African Council would accordingly meet early in 1951 to examine the problem and make recommendations. That conference took place in March, 1951, under the chairmanship of Mr. G. H. Baxter of the Commonwealth Relations Office, and its report† was published in June, simultaneously with a geographical, historical and economic survey‡ and a comparative survey of native policy.§

3. The officials' report set out the need for closer association. They pointed out the economic interdependence of the three Territories and the consequent importance of the integration of economic policy both internally and in external economic relations. The Territories, for the time being relatively prosperous, were, individually, economically vulnerable and would be much stronger as a single unit with a more broadly based economy. Such a unit would also be stronger from the standpoint of defence. Rail, trunk road and air communications needed to be planned on a broader basis. The unification of certain public services (difficult if not impossible as things stood) would secure greater efficiency. The most efficient use, in the interests of the people as a whole, of the capital resources of the whole region in finance, raw materials, power, labour and technical skill would be promoted. A general quickening expansion of the economy of the area would bring with it advantages to all the inhabitants and in particular the possibility of the more rapid social advancement of the African population. The need for action was urgent.

4. The officials considered the obstacles to closer association noted by the Royal Commission and found that since that time they had been materially reduced. Certain differences in native policy between

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* Cmd. 5949. † Cmd. 8233. ‡ Cmd. 8234. § Cmd. 8235.
Southern Rhodesia and the northern Territories still remained but, though important, they were felt to relate largely to method and timing: the ultimate objectives of all three Governments were broadly the same, namely, the economic, social and political advancement of the Africans in partnership with the Europeans. The officials noted that Southern Rhodesia spent more on certain services for Africans than did Northern Rhodesia or Nyasaland. They recognised the existence and importance of African opposition in Northern Rhodesia and Nyasaland, but believed that the judgment of African opinion would in the last resort turn on the form which a scheme of closer association might take. (Such a scheme is set forth in detail for the first time in the present paper.) They considered that with the growth of population, both European and African, since 1938, and with the material and political progress of the Territories, there should now be no difficulty in working effectively a scheme of closer association. Moreover, political advance in Northern Rhodesia and Nyasaland had narrowed the gap between the political institutions of Southern Rhodesia on the one hand and the northern Territories on the other. Finally, the resources of the three Territories should now be fully adequate to support a scheme of closer association.

5. The officials discussed various forms of closer association. They noted the view of those closely concerned with the work of the Central African Council that an advisory body could by itself do nothing further of value to promote collaboration between the individual Governments. They reviewed the idea of amalgamation (which had found favour for many years in Southern Rhodesia and elsewhere), and rejected it because, although it had many intrinsic merits, it stood so little chance of general acceptance that, if only for that reason, it could not be recommended. They also rejected the idea of a "League", whereby the three Governments would delegate certain functions to a body appointed by themselves, on the grounds that it would be likely to produce friction and deadlock and that it equally stood little chance of general acceptance. They then recommended a scheme, which they discussed at length, for a federation under which the central Government would have certain specified powers, the remainder being left with the territorial Governments. The constitution that they recommended would include special safeguards for African interests.

6. The officials' report was commended as a basis for discussion by all four Governments to the careful consideration of public opinion, His Majesty's Government describing it as "a constructive approach to the problem", and it was announced that no decision would be taken on their proposals until there had been full discussion and time for opinion to crystallise. The then Secretaries of State for Commonwealth Relations and the Colonies (the Rt. Hon. P. C. Gordon-Walker, M.P., and the Rt. Hon. James Griffiths, M.P.) visited Africa in August and September of 1951 to take part in discussions with representatives of all communities. Their tour concluded with a Conference which met at Victoria Falls in September. The nature and conclusions of that Conference are set out in a communiqué issued on the 21st September, and reproduced as Annex II. It was contemplated that, after further discussion within each territory and exchanges of views between the four Governments, there should be a further Conference in 1952.
7. After the change of Government in the United Kingdom a statement was made in Parliament on the 21st November, 1951, that His Majesty's Government were in full agreement with the Victoria Falls communiqué, and that they favoured a scheme of federation on the general lines recommended in the officials' report. They believed that such a scheme would be in the best interests of the African as well as the other inhabitants of the Territories. The statement specifically endorsed the assurances set out in the Victoria Falls communiqué regarding African interests, and undertook to ensure that they should be formally embodied in a federal constitution. His Majesty's Government promised to further the discussions and consultations contemplated in the communiqué.

8. As part of these consultations there were informal talks in London in January, 1952, with the Prime Minister of Southern Rhodesia and the Governors of Northern Rhodesia and Nyasaland. His Majesty's Government reaffirmed at this time that they could not agree to the amalgamation of the three Territories. They made a formal statement to the other Governments concerned in the following terms:—

"Southern Rhodesia is a self-governing colony. Northern Rhodesia and Nyasaland are protectorates. If the three Territories were to be amalgamated, they would all become merged in the new self-governing state. Northern Rhodesia and Nyasaland would thus lose their separate identity (which they would retain in a Federation); and this would mean that His Majesty's Government would have to disregard obligations which, by virtue of treaty and otherwise, they have assumed towards the two northern Territories. This they cannot do."

9. After these talks it was announced that the Conference would be reconvened in April, in London, to formulate a draft scheme of federation. It was announced in the House of Commons on the 4th March, 1952, that the detailed scheme to be prepared at the April Conference would be published and that Her Majesty's Government proposed to convene a further Conference, to be held later in 1952, to consider the detailed scheme before the question of ratification or abandonment was finally put to the Governments concerned.

II. THE APRIL CONFERENCE

10. The reconvened Conference met at Lancaster House on the 23rd April, 1952, under the joint chairmanship of the Most Hon. the Marquess of Salisbury (Secretary of State for Commonwealth Relations) and the Rt. Hon. Oliver Lyttelton, M.P. (Secretary of State for the Colonies). The Southern Rhodesian delegation was led by the Prime Minister, the Rt. Hon. Sir Godfrey Huggins; the Northern Rhodesian delegation by the Governor, Sir Gilbert Rennie; and the Nyasaland delegation by the Governor, Sir Geoffrey Colby. The full membership of the various delegations is given in Annex I.

11. The Secretary of State for the Colonies had invited the African Representative Council of Northern Rhodesia and the African Protectorate Council of Nyasaland to send representatives to London for informal discussions with him and to take part in the Conference. These representatives duly came to London and had informal talks.
at the Colonial Office before the Conference opened. During these
discussions they declined the Secretary of State's invitation to attend
the Conference as delegates, although he gave them assurances that
by attending they would not be committing themselves in any way.
The Nyasaland representatives then asked whether they might attend
as observers, but when on the following day the Secretary of State
agreed to this suggestion they withdrew it and declined to attend
in any capacity. A similar invitation to attend as observers was
made to the Northern Rhodesian representatives, who also declined.
These African representatives remained in London during the Con-
ference and had discussions with many interested individuals and
groups. The day after the Conference closed the Secretary of State
for the Colonies explained the findings of the Conference to them.
The two African members of the Southern Rhodesian delegation on
the other hand attended the Conference and took an active part in the
proceedings.

III. THE DRAFT FEDERAL SCHEME

12. The scheme set forth in the present White Paper consists of
detailed proposals which could if approved be translated into a con-
stitutional instrument. The following is a summary of its main
features:—

(i) The Preamble
The Preamble sets forth the main principles underlying the scheme.
It draws attention to the desirability of the three Territories associating
for common purposes while retaining their separate identities. It
reflects undertakings about the interests of Africans to which effect is
given elsewhere in the scheme, and emphasises that these three Terri-
tories are the rightful home of all their lawful inhabitants, whatever
their origin.

(ii) Chapter I. The Federation
This Chapter proposes that the Federation shall be known as "The
Federation of Rhodesia and Nyasaland" and leaves it to the Federal
Assembly to decide where the capital of the Federation is to be located.

(iii) Chapter II. The Federal Legislature
This Chapter provides for the division of legislative powers between
the Federal and the Territorial Legislatures (which within their exclusive
spheres are in no way subordinate to one another). It sets out a
number of subjects on which only the Federal Legislature may make
laws. It also specifies a number of other subjects with which both the
Federal Legislature and the Territorial Legislatures may deal, pro-
vided that in cases of inconsistency the Federal law will prevail. It
also allows the Federal Legislature to delegate power to legislate on
Federal subjects to the Territorial Legislatures, and (within certain
defined spheres) allows the Territorial Legislatures to delegate power
to the Federal Legislature. All subjects not specifically allotted to
the Federal Legislature remain the responsibility of the Territories, and
care has been taken to ensure that the Territorial Legislatures retain
control of those matters which most closely concern the daily life of
the African population.
Part 3 of this Chapter provides that the Federal Assembly will consist of 35 members, of whom 17 will be from Southern Rhodesia, 11 from Northern Rhodesia and 7 from Nyasaland. Of these 35 members, 33 will be elected. There will be 9 members representing African interests; and the scheme is designed to secure that at least 6 members of the Federal Assembly (that is to say, 2 from each Territory) shall be Africans. The scheme also provides that the Federal Assembly will elect a Speaker either from among its own members or from outside, but that, if a member of the Assembly is elected as Speaker, he will thereupon vacate his seat as a member of the Assembly.

(iv) Chapter III. Legislation and procedure

This Chapter makes provision for such matters as voting in the Federal Assembly and the assent to Bills. It also prescribes that the life of the Assembly will, unless it is dissolved earlier, be five years.

(v) Chapter IV. The Executive

This Chapter provides that Her Majesty will be represented in the Federation by a Governor-General. It empowers the Governor-General to appoint a Prime Minister and other Ministers and assign appropriate departments to them. It lays down that, except in certain instances where the Governor-General acts in his discretion, he will be required to act in accordance with the advice of his Ministers.

Provision is also made in this Chapter for the Federation to delegate executive authority to the Territories, and (within a defined sphere) for the Territories to delegate similar authority to the Federation.

(vi) Chapter V. The African Affairs Board

The African Affairs Board, apart from the Chairman, will consist of a European and an African nominated by the Governor of each Territory—a total membership of seven. The Chairman and the members of this Board will be independent of the Federal Assembly and Executive, and the Chairman will be appointed by the Governor-General with the approval of Her Majesty’s Government. The Board’s powers are designed to ensure that any Federal legislation which appears to the Board to differentiate either in terms or in operation between Europeans and Africans, to the disadvantage of the latter, will require to be referred to Her Majesty’s Government. In addition, the Board will be entitled to make representations to the Federal Government on any matters affecting African interests.

(vii) Chapter VI. Finance

The question of the finances of the Federation requires further expert examination and is being referred to a Fiscal Commission, whose terms of reference are set out in this Chapter. The Commission will be required to investigate the financial consequences of setting up the Federation and to make recommendations about revenue and expenditure, borrowing powers and the transfer of assets and liabilities from the Territorial Governments to the Federation.

(viii) Chapter VII. The Federal Public Service

This Chapter is divided into two parts. The first part refers to the setting up of a Civil Service Preparatory Commission which is to work out the details of how the Federal Public Service is to be established, including the arrangements for transfer to the Federal Public Service of some of the officers and other employees at present serving in the Territorial Civil Services.
The second part of this Chapter provides for the setting up of a permanent Public Service Commission which will recommend appointments, promotions and transfers in the Federal Public Service once it is established.

(ix) Chapter VIII. The Federal Judicature

This Chapter provides for the establishment of a Federal Supreme Court whose members will include at least three Judges who are not members of the High Courts of the three Territories. It is intended that this Court shall have original jurisdiction and also be the Court of first appeal from the High Courts of the three Territories. A number of other matters connected with the establishment of the Federal Supreme Court will require further examination by a Judicial Commission, whose terms of reference are also given in this Chapter.

(x) Chapter IX. Miscellaneous

This Chapter deals with a number of matters not dealt with in other parts of the scheme. Included among these are the provisions for the amendment of the Constitution. These require that all amendments must be carried by a two-thirds majority of the total membership of the Federal Assembly and be reserved for the signification of Her Majesty's pleasure. There is also provision that if a Territorial Legislature or the African Affairs Board has objected to any Bill to amend the Constitution Her Majesty's assent to the Bill can be given only by Order in Council which would be laid in draft before the United Kingdom Parliament. The scheme makes it clear that power to amend the Constitution includes power to institute a second chamber if at any time that is thought desirable.

CONCLUSION

13. The scheme endeavours to safeguard the essential interests of the three Territories and all their inhabitants and to strike a fair balance between the need to create a Federation possessing, both economically and politically, adequate scope and strength for its work and the requirement that the Territories themselves shall continue to exist as vigorous entities, independent of the Federation within the sphere of government assigned to them.

(Sgd.) Salisbury.

Oliver Lyttelton.

G. M. Huggins.

G. M. Rennie.

G. F. T. Colby.
THE DRAFT FEDERAL SCHEME

PREAMBLE

The Preamble to the Constitution will contain recitals to the effect that:

(a) the Colony of Southern Rhodesia is part of Her Majesty's dominions and Northern Rhodesia and Nyasaland are territories under Her Majesty's protection;

(b) the said territories are the rightful home of all lawful inhabitants thereof, whatever their origin;

(c) the association of the said territories in a Federation under Her Majesty's sovereignty would conduce to the security, advancement and welfare of all their inhabitants;

(d) the Colony of Southern Rhodesia should continue to enjoy self-government as a member of such a Federation;

(e) Northern Rhodesia and Nyasaland should continue, under the special protection of Her Majesty, to enjoy separate Governments responsible among other matters for local and territorial political advancement, so long as their respective peoples so desire; and

(f) it is accordingly desirable that provision should be made for such a Federation under Her Majesty's sovereignty and for the establishment of a Federal Government charged, to the extent of its functions, with promoting the security, advancement and welfare of all lawful inhabitants of the said territories.
CHAPTER I

THE FEDERATION

1. There will be established a Federation comprising the Territories of Southern Rhodesia, Northern Rhodesia and Nyasaland.

2. The Federation will be known as the Federation of Rhodesia and Nyasaland.

3. The seat of the Federal Government will be at such place as may be decided by a majority of the Federal Assembly.

CHAPTER II

THE FEDERAL LEGISLATURE

PART 1. DIVISION OF LEGISLATIVE POWERS

1. The legislative power of the Federation will be vested in a Federal Legislature consisting of a Governor-General, representing Her Majesty, and a Federal Assembly.

2. (1) Subject to sub-paragraphs (4) to (6) below, the Federal Legislature alone will be empowered to make laws on the matters set out in the First Part of the Federal Legislative List (which Part is referred to as "the Exclusive List").

   (2) Subject to sub-paragraph (4) below, both the Federal Legislature and (subject to any restrictions contained in their respective constitutions) the Legislatures of the Territories will be empowered to make laws on matters set out in the Second Part of the Federal Legislative List (which Part is referred to as "the Concurrent List"), but in the case of inconsistency between any Federal law and any Territorial law on any such subject the provisions of the Federal law will, to the extent of the inconsistency, prevail.

   (3) Exclusive power to make laws on matters not set out in either the Exclusive List or the Concurrent List will (subject to any restrictions contained in their respective constitutions) reside in the respective Territorial Legislatures.

   (4) The power of the Federal Legislature to make laws on any matter in the Exclusive List or the Concurrent List will include power to make provision for the compulsory acquisition of land for Federal purposes, but—

      (a) in the case of Native Trust and Native Reserve Land as defined in the following Orders in Council (which secure the interests of Africans in relation to land) all powers of the Federal Legislature and Government to acquire land or interests therein will be subject to the provisions of those Orders:

         (i) The Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council;

(1) A temporary seat for the Federal Government will be required in the first instance.

(2) As the authority who is empowered to assent to Bills, the Governor-General is part of the Federal Legislature. He will not preside in, or belong to, the Federal Assembly.

(3) This provision implements the assurances already given to safeguard African rights in land.
(ii) The Northern Rhodesia Crown Lands and Native Reserves (Tanganyika District) Orders in Council;
(iii) The Northern Rhodesia (Native Trust Land) Orders in Council; and
(iv) The Nyasaland Protectorate (African Trust Land) Orders in Council;
or any Orders in Council amending or substituted for those Orders; and

(b) in the case of land in Native Reserves and in the Native Area and Special Native Area as defined in the following Letters Patent and Act of the Legislature of Southern Rhodesia (which secure the interests of Africans in relation to land) all powers of the Federal Legislature and Government to acquire land or interests therein will be subject to the provisions of those Letters and that Act:—

(i) The Southern Rhodesia Constitution Letters Patent, 1923; and

(ii) The Land Apportionment Act, 1941;
or any Letters Patent or any Act of the Legislature of Southern Rhodesia amending or substituted for those Letters Patent or that Act.

(5) The Federal Legislature will not by reason only of the inclusion in the Exclusive List of the words “External Affairs”, in so far as such words relate to the implementation of treaties and agreements with other countries, have power to make laws for any Territory with respect to any matter which is not in the Exclusive List or the Concurrent List.

(6) In order to avoid congestion of business in the Federal Legislature at the commencement of the Federation, the Governor-General will be empowered to prescribe the dates on which the Territorial Legislatures will cease to have power to legislate on any particular matter in the Exclusive List; and until such dates are prescribed the subjects in the Exclusive List will be regarded as being in the Concurrent List.

3. (1) The Federal Legislature will have power to delegate by Federal law to the Legislature of a Territory authority (either general or special) to legislate for such Territory with respect to any matter mentioned in the Exclusive List.

(2) (a) In this sub-paragraph “non-Federal matter” means any matter not mentioned in the Exclusive List or the Concurrent List; “Federal matter” means a matter mentioned in the Exclusive List; and “Concurrent matter” means a matter mentioned in the Concurrent List.

(b) The Legislature of a Territory will, subject to the provisions of the constitution of the Territory, have power to delegate to the Federal Legislature authority (either general or special) to legislate for

(*) These provisions enable either a Territorial or the Federal Legislature to delegate to the other. They have been inserted to give some flexibility to the working of the Constitution, but, in order to prevent weakening of the essential functions of the Territorial Legislatures, the power of delegation by them has been limited and defined.
such Territory with respect to any non-Federal matter for the following purposes, that is to say—

(i) the creation and regulation of any corporate body or other authority to exercise functions in respect of more than one Territory; or

(ii) the establishment and regulation of schools for special categories of pupils; or

(iii) the regulation of veterinary research, animal health, and tsetse control and research, and the establishment of such services as may be necessary for that purpose.

(c) The Legislature of a Territory will also, subject as aforesaid, have power to delegate to the Federal Legislature authority to legislate for such Territory with respect to any non-Federal matter which, in the opinion of the Territorial Legislature, is ancillary to, or closely related to, any Federal or Concurrent matter and should be provided for in a Federal law which deals with such Federal matter or Concurrent matter: Provided that, when it so delegates authority to legislate with respect to any non-Federal matter, a Territorial Legislature will be required to specify the Federal or Concurrent matter to which, in its opinion, the non-Federal matter relates or is ancillary, and the Federal Legislature will not legislate with respect to such non-Federal matter except by a law which also deals with such Federal or Concurrent matter.

(3) (a) Either Legislature will have power to revoke any legislative authority which it has delegated to the other.

(b) Any law by which legislative authority is delegated by one Legislature to the other will prescribe a period of notice which must be given before such authority is revoked; and, except with the concurrence of the other Legislature, the delegating Legislature will not revoke the delegated authority except after giving the prescribed notice of its intention so to do.

(4) When any legislative authority delegated by the Federal Legislature to a Territorial Legislature is revoked or spent, any law which has been enacted by the Territorial Legislature in pursuance of that authority will remain in force but will be subject to amendment and repeal by the Federal Legislature.

Likewise, when any legislative authority delegated by a Territorial Legislature to the Federal Legislature is revoked or spent, any law which has been enacted by the Federal Legislature in pursuance of that authority will remain in force but will be subject to amendment and repeal by the Territorial Legislature.

(5) When authority to legislate with respect to any matter is delegated by the Federal Legislature to a Territorial Legislature or vice versa, this will not preclude the delegating Legislature from itself continuing to legislate with respect to such matter i.e. the Federation and the Territory will (until the delegated authority is revoked or spent) have concurrent powers of legislation within the delegated field, with Federal law prevailing over Territorial law in case of inconsistency.
PART 2. DEFINITION OF FEDERAL LEGISLATIVE POWERS

1. Federal Legislative List

First Part—The Exclusive List

(Matters on which the Federal Legislature alone will be empowered to make laws.)

1. External Affairs.
2. Extradition, including the surrender of criminals and accused persons to parts of Her Majesty's dominions outside the Federation.
3. Defence.
4. Immigration.
5. Aliens.
7. Import and Export Control, Exchange Control and Promotion of Exports.
8. Control of the distribution and of the wholesale and retail price of such manufactured and unmanufactured commodities as the Governor-General may from time to time specify.
11. Companies and Corporations.
12. Insurance.
14. Copyright, Patents, Trade Marks and Designs.
15. The construction, alteration and maintenance of all roads (insofar as they lie within the Federation) scheduled as inter-territorial in the Final Act of the Johannesburg Transport Conference, 1950, and any other inter-territorial roads which at any future time may be prescribed in that behalf by Federal law.
16. Railways and ancillary services (including ancillary transport services).
17. Aviation, aerodromes and ancillary services (including safety of aircraft, and ancillary transport services).
18. Meteorology.
19. Posts and Telecommunications (including Telephones).
20. Broadcasting (including Television and Rediffusion).
21. Supply of Electricity.
23. Primary and Secondary Education of persons other than Africans.

(5) The precise form in which certain of these matters would ultimately be written into the Constitution may be affected by the recommendations of the Fiscal Commission. The terms of reference of this Commission are set out in Chapter VI.

(6) See Chapter II, Part 1, paragraph 2 (5) and footnote (11) to Chapter IV, paragraph 2 (1).
24. Higher Education (including Higher Education of Africans), that is to say, institutions offering courses of a university, technological or professional character, and such other matters as the Governor-General in his discretion may, by regulations, define as higher education.

25. Weights and Measures.

26. Archives.

27. The Federal Public Service.


29. Federal Supreme Court (subject to the provisions of the Constitution)

30. Establishment and constitution of any Federal Courts other than the Federal Supreme Court.

31. Legal proceedings between the Federal Government and Territorial Governments or between Territorial Governments.

32. Legal proceedings by and against the Federal Government.

Second Part—The Concurrent List

(Matters on which both the Federal Legislature and the Territorial Legislatures will be empowered to make laws, with Federal law prevailing in case of inconsistency.)

33. Deportation.

34. Movements of persons from one Territory to another.

35. Purchase and Sale of Commodities by Governments.

36. Marketing Boards (subject to item 8 above).

37. Development of Industries.

38. Banks and Banking (subject to further examination by the Fiscal Commission).

39. Bankruptcy and Insolvency.

40. Hire Purchase.

41. Roads, other than those referred to in item 15 above.

42. Road-Rail Crossings.

43. Regulation of Road Traffic.

44. Water, including canals and other inland waters catchment areas, water supply and storage, water power, irrigation, drainage and embankments, control of silt, and riparian rights.

45. Distribution of Electricity.

46. Scientific and Industrial Research, other than veterinary and tsetse research.

47. The service and execution in any Territory of the Civil and Criminal Processes and Judgments (including Decrees, Orders, Convictions, Sentences and Decisions) of the Courts of any other Territory.

(1) It is intended by this item that the Federation should have power to provide courses of training for which the general educational entrance qualification would be at or above the Overseas School Certificate level or its equivalent. It may be in the public interest, however, for such institutions to offer ancillary or additional courses for which this entrance qualification will not necessarily be required.

(2) See Chapter II, Part 3, paragraphs 3 (1) (h), 13 and 14 (5) and Chapter VIII.

(3) See Chapter VI.
48. Prisons and other institutions for the treatment of, and methods of treating, offenders against the law.

49. Care and Protection of Minors.

50. European Police Recruitment, European Police Training, Police Force Central Reserve, Criminal Investigation Department and Records.\(^{(10)}\)

51. Health.\(^{(11)}\)

52. Promotion of Tourist Traffic.

53. National Parks.

54. Town Planning.

55. Geological, Trigonometrical, Topographical and Cadastral Surveys.

56. Production and Distribution of Government Films.

57. Census and Statistics.

58. Jurisdiction of Federal Courts (subject to the provisions of the Constitution\(^{(12)}\)).

2. No specific proposals can be made about the respective powers of the Federation and the Territories to legislate with regard to taxes on income or government borrowing until the Fiscal Commission\(^{(13)}\) has reported.

3. The power to make laws relating to trade unions and industrial conciliation will remain Territorial\(^{(14)}\); and the power of the Federal Legislature to legislate on any matter in the Federal Legislative List will, therefore, include power to legislate on trade unions or industrial conciliation.

4. The Federal Legislature will be empowered to make laws on matters incidental to the execution of any power vested by the Constitution in the Federal Legislature or in the Government of the Federation or in the Federal Judicature or in any officer or department of the Federation, including the appointment of persons for the execution of such powers.

A Territorial Legislature will similarly be empowered to make laws on matters incidental to the execution of any Territorial power.

\(^{(10)}\) One of the objects of including this item in the Concurrent List is to enable the Federal Government to provide uniform standards of recruitment and training for all European Police Officers throughout the three Territories, while at the same time leaving the Territorial Police Forces responsible to the Territorial Governments in the execution of their duties.

The Federal Government will also be empowered by this provision to provide certain common specialised police services, e.g. the C.I.D. and the Fingerprint Bureau, and to maintain a Police Force Central Reserve, members of which could be made available to the Territorial Governments on loan or secondment on a contractual basis.

In addition, the Federal Government will require to have its own law enforcement officers of all ranks for a number of services which appear in the Federal Legislative List, e.g. Customs and Immigration. If the Federal capital is declared to be "extra-territorial" it will also require police to maintain law and order in the area.

\(^{(11)}\) One of the reasons for placing this item in the Concurrent List is that in the Northern Territories a number of public health regulations are enacted and enforced by the Native Authorities. As a general principle it is considered that regulations made under the Federal law should not apply to Native Authorities and it is therefore intended that such regulations should be made under Territorial legislation.

\(^{(12)}\) See Chapter II, Part 3, paragraphs 3 (1) (h), 13, 14 (5) and Chapter VIII.

\(^{(13)}\) See Chapter VI.

\(^{(14)}\) This is necessary as an interim measure in view of the differences which exist at present between the Territories in the laws relating to trade unions and industrial conciliation. So far as Federal Government undertakings are concerned, the Conference considered that an obligation should be placed on the Federal Government to promote the adoption in agreement with the three Territorial Governments of unified machinery for industrial conciliation.
PART 3. THE FEDERAL ASSEMBLY

Composition of the Federal Assembly

1. (1) The Federal Assembly will consist of 35 members, namely—
(a) 26 Elected Members;
(b) 7 Elected Members for African Interests; and
(c) 2 Appointed Members for African Interests.

(2) (a) The Elected Members will be elected and hold their seats in accordance with the provisions of paragraphs 2 to 5 below.
(b) The Elected Members for African Interests will be elected and hold their seats in accordance with the provisions of paragraphs 6 to 13 below.
(c) The Appointed Members for African Interests will be appointed and hold their seats in accordance with the provisions of paragraph 14 below.

(3) The Federal Assembly will choose its own Speaker and Deputy Speaker. The Speaker may be chosen either from among the 35 members mentioned above or from outside the Assembly. The Deputy Speaker will be chosen from among the 35 members mentioned above. (See paragraphs 15 to 17 below).

Elected Members

2. The 26 seats for Elected Members will be allocated as follows—
Southern Rhodesia—14 seats.
Northern Rhodesia—8 seats.
Nyasaland—4 seats.

3. (1) Except for the first general election (and subject to the special provisions with regard to Nyasaland contained in paragraph 5 below), the Federal Legislature will be empowered, subject to sub-paragraph (3) below, to make provision for the election of Elected Members and in particular for the following matters in relation to such members and their election—
(a) qualifications and disqualifications for election;
(b) the circumstances in which such members will vacate their seats;
(c) qualifications and disqualifications for registration as an elector or for voting at elections;
(d) the registration of electors;
(e) the holding of elections, direct or indirect;
(f) the delimitation of electoral districts for the purpose of returning such members to the Federal Assembly and the allocation to any such district of seats in the Assembly;
(g) the definition and trial of offences relating to elections and the imposition of penalties therefor; and
(h) the determination by the Federal Supreme Court of any question which arises as to the right of any person to be or remain such a member.

(2) In the exercise of the aforesaid powers the Federal Legislature may provide for different methods of election in different Territories and also for different methods of election within the same Territory.
(3) (a) If the Speaker, or the Deputy Speaker on his behalf, certifies that any Bill of the Federal Legislature makes provision for—

(i) qualifications or disqualifications for election; or

(ii) the circumstances in which a member will vacate his seat; or

(iii) qualifications or disqualifications for registration as an elector or for voting at elections;

then the Bill will require to be passed by a vote of two-thirds of all the members of the Assembly and to be reserved for the signification of Her Majesty's pleasure.

(b) The requirements of sub-paragraph (3) (a) above will not apply in respect of any provision which—

(i) disqualifies a person for election or for registration as an elector or for voting at elections, by reason of his being concerned in any offence relating to elections; or

(ii) requires a person to vacate his seat upon conviction of such an offence.

4. (1) For the first general election to the Federal Assembly, and thereafter until the Federal Legislature otherwise provides, the election of Elected Members, including the matters particularly referred to in paragraph 3 (1) above, will be governed—

(a) as regards Southern Rhodesia, by the law which is in force immediately before the commencement of the Federation in respect of elections to the Southern Rhodesia Legislative Assembly; and

(b) as regards Northern Rhodesia, by the law which is in force immediately before the commencement of the Federation in respect of elections to the Northern Rhodesia Legislative Council.

(2) (a) To enable them to be used thus for Federal elections the electoral laws of Southern and Northern Rhodesia will require some adaptation. (In particular it will be necessary to delimit Federal electoral districts, which will be fewer in number than the existing districts). The necessary adaptations will be made by the Governor-General by regulations.

(b) In adapting the electoral laws of Southern and Northern Rhodesia for the purposes of Federal elections, the Governor-General will be required to provide—

(i) that if a member of a Territorial Legislature stands for election to the Federal Assembly and is elected thereto he will not take his seat in the Federal Assembly until he has resigned his membership of the Territorial Legislature; and

(15) This is the politically important part of the electoral law and is made subject to special procedure.

(16) The transitional provisions in paragraphs 4 and 5 are necessary to enable the first Federal elections to be held before there is any Federal law.

(17) The adaptations so made by the Governor-General will, of course, be effective only for the purpose of the Federal elections and will in no way apply in respect of elections to the Legislative Assembly of Southern Rhodesia or the Legislative Council of Northern Rhodesia.

(18) It will be noted that the same person cannot belong to both the Federal Assembly and a Territorial Legislature.
(ii) that if a member of the Federal Assembly becomes a member of a Territorial Legislature he will thereupon vacate his seat in the Federal Assembly.

(c) The Governor-General's power to make regulations under this paragraph will be exercised by him in his discretion. The power will not extend beyond a specified date (say the date of the first sitting of the Federal Assembly) and the regulations will not have effect unless approved by a Secretary of State.

5. (1) The Federal Legislature will not have power to legislate for Nyasaland with respect to the matters referred to in paragraph 3 (1) above until such date as the Legislative Council of Nyasaland may by resolution appoint.

(2) For the first general election to the Federal Assembly and thereafter until such date as may be appointed under sub-paragraph (1) above, the election of Elected Members (including the matters particularly referred to in paragraph 3 (1) above) will, as regards Nyasaland, be governed by such regulations as may be made in that behalf by the Governor-General with the agreement of the Governor of Nyasaland. In the exercise of this power the Governor-General will have authority to provide for such form of election, direct or indirect, as he thinks fit.

(3) Regulations made by the Governor-General under this paragraph will contain provisions similar to those prescribed by paragraph 4 (2) (b) above.

(4) The Governor-General's power to make regulations under this paragraph will be exercised by him in his discretion and the regulations will not have effect unless approved by a Secretary of State.

**Elected Members for African Interests**

6. The 7 seats for Elected Members for African Interests will be allocated as follows—

<table>
<thead>
<tr>
<th>Region</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Rhodesia</td>
<td>3</td>
</tr>
<tr>
<td>Northern Rhodesia</td>
<td>2</td>
</tr>
<tr>
<td>Nyasaland</td>
<td>2</td>
</tr>
</tbody>
</table>

7. Subject to the provisions of paragraph 8 below, a person will be qualified to be elected as an Elected Member for African Interests in Southern Rhodesia if he is a citizen of Southern Rhodesia, and in Northern Rhodesia or Nyasaland if he is a British subject or a British protected person; and no other person will be qualified to be so elected.

8. (1) No person will be qualified to be elected as an Elected Member for African Interests who—

(a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or

(19) See footnote (16) to paragraph 4 (1) above.

(20) See footnote (18) to paragraph 4 (2) (b) above.

(21) Since there is no existing Electoral Law which can be adapted to provide for the election of Elected Members for African Interests it is necessary to set out these qualifications and disqualifications in detail. The corresponding provisions for other Elected Members would be as laid down in paragraphs 4 and 5 of this Part.
(b) holds or is acting in any office of emolument under the Crown; or

(c) is an undischarged bankrupt or unrehabilitated insolvent, having been declared bankrupt or insolvent under any law in force in any part of Her Majesty’s dominions; or

(d) is under sentence of death, or is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (by whatever name called) exceeding six months imposed in any part of Her Majesty’s dominions and has not received a free pardon; or

(e) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in the Federation or in any part thereof; or

(f) is disqualified for election to the Federal Assembly by any law for the time being in force relating to offences connected with elections.

(2) If a member of a Territorial Legislature stands for election to the Federal Assembly as an Elected Member for African Interests and is elected thereto, he will not take his seat in the Federal Assembly until he has resigned his seat in the Territorial Legislature.

9. The three members from Southern Rhodesia will be elected in accordance with regulations to be made by the Governor of Southern Rhodesia. The regulations will provide for the election of two African members and one European member.

10. (1) The two members from Northern Rhodesia will be elected by such body as the Governor of Northern Rhodesia may, for the purposes of this paragraph, designate as a body representative of Africans.

(2) The said members will be elected in accordance with regulations made by the Governor of Northern Rhodesia.

11. (1) The two members from Nyasaland will be elected by such body as the Governor of Nyasaland may, for the purposes of this paragraph, designate as a body representative of Africans.

(2) The said members will be elected in accordance with regulations made by the Governor of Nyasaland.

12. The seat of an Elected Member for African Interests will become vacant—

(a) upon dissolution of the Federal Assembly; or

(b) upon his death; or

(c) if he resigns his seat by writing under his hand addressed to the Speaker; or

(d) if he is absent from twenty-one consecutive sittings of the Assembly and at the expiration of one month after the twenty-first sitting the Speaker has not, by writing under his hand, excused such absence; or

(22) See footnote (14) to paragraph 4 (2) (b) above.

(23) It is intended that for the first election the bodies designated for this purpose will be in the case of Northern Rhodesia, the African Representative Council, and in the case of Nyasaland, the African Protectorate Council.

(24) See footnote (21) to paragraphs 7 and 8 above.
(e) if he becomes a member of a Territorial Legislature; or

(f) if, in the case of a member for Southern Rhodesia, he ceases to be a Southern Rhodesian citizen or if, in the case of a member for Northern Rhodesia or Nyasaland, he ceases to be a British subject or ceases to be a British protected person without becoming a British subject; or

(g) if he 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; or

(h) if he is adjudged or otherwise declared bankrupt or insolvent under any law in force in any part of Her Majesty's dominions; or

(i) if he is sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months; or

(j) if he becomes subject to any of the disqualifications prescribed in paragraph 8 (1) (b), (e) and (f) above.

13. Any question as to the right of any person to be or remain an Elected Member for African Interests will be determined by the Federal Supreme Court in accordance with rules of court made in that behalf.

Appointed Members for African Interests

14. (1) Of the 2 seats for Appointed Members for African Interests one will be allocated to Northern Rhodesia and the other to Nyasaland.

(2) The member from Northern Rhodesia will be appointed by the Governor of Northern Rhodesia and the member from Nyasaland will be appointed by the Governor of Nyasaland.

(3) Such a member will be subject to the same qualifications and disqualifications as an Elected Member for African Interests. (See paragraphs 7 and 8 above.)

(4) Such a member will be appointed for the duration of a parliament, i.e. he will (like an Elected Member for African Interests) vacate his seat upon a dissolution of the Federal Assembly; and his seat will also become vacant in such other circumstances as would cause the seat of an Elected Member for African Interests to become vacant (see paragraph 12 above).

(5) Any question which arises as to the right of a person to be or remain an Appointed Member for African Interests will be determined by the Federal Supreme Court in accordance with rules of court made in that behalf.

Speaker and Deputy Speaker

15. (1) The Federal Assembly will be empowered to elect a Speaker either from among the members of the Assembly or from outside the Assembly: Provided that if a person who is a member of the Assembly is elected as Speaker he will thereupon vacate his seat in the Assembly.

(2) The Assembly will be required to elect the Speaker before the despatch of any other business at the first sitting of the Assembly after the commencement of the Federation, and thereafter at the first sitting
after every dissolution and at the first or second sitting after the occurrence of a vacancy in the office of Speaker.

16. (1) The Federal Assembly will be required to elect a Deputy Speaker from among the members of the Assembly.

(2) The Assembly will be required to elect a Deputy Speaker—

(a) at the first sitting of the Assembly after the commencement of the Federation; and

(b) at the first sitting of the Assembly after a dissolution; and

(c) at the first sitting of the Assembly after the occurrence of a vacancy in the office of Deputy Speaker; or as soon as is convenient thereafter.

17. The Speaker or the Deputy Speaker will vacate his office—

(a) on the dissolution of the Federal Assembly; or

(b) on his being appointed as a Minister; or

(c) in the case of the Speaker, on his becoming an Elected Member or an Elected or Appointed Member for African Interests; or

(d) on resigning his office.

Miscellaneous

18. The Speaker if present will preside at sittings of the Federal Assembly and, in his absence, the Deputy Speaker. In the absence of both the Speaker and the Deputy Speaker there will preside such member as the Assembly may elect.

19. No business except that of adjournment will be transacted by the Federal Assembly if objection is taken by any member present that there are less than twelve members present besides the Speaker or other member presiding.

20. Subject to the provisions as to quorum, the validity of the proceedings of the Federal Assembly will not be vitiated by reason of any vacancy among the members, or by reason of the participation in the proceedings of the Assembly of any person not entitled to participate therein.

21. (1) The privileges, immunities and powers of the Federal Assembly and its members will be determined and regulated by Federal law, provided that no such privileges, immunities or powers will exceed those of the House of Commons or the members thereof.

(2) The initial provision for such privileges, immunities and powers will be made by the Governor-General by regulations; such regulations will be subject to revocation and amendment by Federal law.

The Governor-General's power to make regulations under this sub-paragraph will be exercised by him in his discretion; and the power will not extend beyond a specified date (say the date of the first sitting of the Federal Assembly).
CHAPTER III

LEGISLATION AND PROCEDURE

1. The usual provision will be made in the Constitution for the taking of an oath of allegiance by the members of the Federal Assembly before they take part in its proceedings.

2. (1) Save as otherwise provided in the Constitution, all questions proposed for decision in the Federal Assembly will be determined by a majority of votes of the members present and voting.

   (2) The Speaker, or other person presiding in his absence, will not have an original vote but will have and exercise a casting vote in the case of an equality of votes.

3. (1) The Federal Assembly will be empowered to make Standing Orders for the regulation of its proceedings, despatch of business, etc.

   (2) The Governor-General will be empowered in his discretion to make the first Standing Orders which will then be subject to amendment and revocation by the Federal Assembly.

4. Except with the recommendation or consent of the Governor-General the Federal Assembly will not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Speaker or other member presiding, would dispose of or charge any public revenue or public funds of the Federation, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

5. When a Bill has been passed by the Federal Assembly it will be presented to the Governor-General, who, subject to paragraph 6 below, will be empowered in his discretion either himself to assent or to refuse assent thereto on behalf of Her Majesty, or to reserve the Bill for the signification of Her Majesty's pleasure.

6. (1) The Governor-General will be obliged by the Constitution to reserve for the signification of Her Majesty's pleasure—

   (a) any Bill by which any provision of the Constitution is revoked or amended or which is in any way repugnant to or inconsistent with the provisions of the Constitution; and

   (b) any Bill which is required to be reserved for the signification of Her Majesty's pleasure by Chapter V (African Affairs Board); and

   (c) any Bill which is required to be reserved for the signification of Her Majesty's pleasure by Chapter II, Part 3, paragraph 3 (3) (Electoral law).

   (2) The Governor-General will be required by Royal Instructions also to reserve for the signification of Her Majesty's pleasure—

   (a) any Bill the provisions of which appear inconsistent with the obligations of Her Majesty under any international agreement;

   (b) any Bill whereby any grant of land or money or other donation may be made to himself; and

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(22) This will enable the Assembly to have an initial set of Standing Orders when it first meets.

(24) See Chapter IX, paragraph 5.
(c) any Bill containing provisions to which Her Majesty's assent has once been refused or which have been disallowed by Her Majesty.

7. Her Majesty will have power to disallow a Federal law at any time within twelve months after it has been assented to by the Governor-General.

8. The Federal Assembly will be summoned to meet once at least in every year, and twelve months will not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

9. (1) The Governor-General will be empowered at any time to prorogue or dissolve the Federal Assembly.

(2) The Governor-General will be required to dissolve the Federal Assembly at the expiration of five years from the date of the return of the first writ at the last preceding general election unless it has been sooner dissolved.

10. The Constitution will prescribe a period within which the first general election to the Federal Assembly must be held. Thereafter a general election will be held at such time within three months after every dissolution of the Assembly as the Governor-General may by Proclamation appoint.

CHAPTER IV
THE EXECUTIVE

1. There will be a Governor-General of the Federation appointed by Her Majesty.

2. (1) The executive authority of the Federation will extend to all matters with respect to which the Federal Assembly is empowered to make laws.

(2) The Governor-General may, with the consent of a Governor of a Territory, entrust to such Governor or to any other officer or

(27) It is provided in paragraph 6 (1) of this Chapter that the Governor-General will act on the advice of his Ministers except in the exercise of those powers which are stated to be exercisable in his discretion. In exercising his discretionary powers the Governor-General, while free to consult his Ministers, is not obliged to do so or to act on their advice; he is responsible to the Secretary of State and, subject to that, uses his own judgment. In all other cases the powers belong to the Governor-General in Council, i.e. he will exercise them on the advice of his Ministers.

The Governor-General's discretionary powers are set out in the following paragraphs of the draft Federal Scheme:—

Transitional:—Chapter II, Part 3, paragraphs 4 (2), 5 (2) and 21 (2); Chapter III, paragraph 3 (2); Chapter IX, paragraph 1.

African Affairs Board:—Chapter V, paragraph 2, paragraph 6, sub-paragraph 2, 5 (4), 6 (2), and paragraph 7.

Miscellaneous:—Chapter II, Federal Legislative List, item 24; Chapter III, paragraph 5; Chapter IV, paragraph 2 (2), footnote (29), paragraph 3 (2), footnote (30).

(29) Arrangements similar to those already made with the Government of Southern Rhodesia will require to be made between Her Majesty's Government and the Federal Government to enable the latter to conclude trade, etc., agreements on its own behalf.

(28) The Governor-General will act in his discretion in delegating to the Governor, etc., of a Territory any function which he himself is empowered to exercise in his discretion.
authority of such Territory functions in relation to any matter to which the executive authority of the Federation extends.

(3) A law of the Federal Assembly which applies to any Territory may, notwithstanding that it relates to a matter to which the executive authority of that Territory does not extend, confer powers or impose duties, or authorise the conferring of powers or the imposition of duties, upon the Governor of that Territory or upon any other officer or authority of that Territory; but no such provision of Federal law will have effect in relation to any Territory until the Governor of that Territory has so declared by notice in the official Gazette of the Territory.

3. (1) The executive authority of a Territory will remain as it was at the commencement of the Federation except that—
   (a) it will not extend to any matter with respect to which the Federal Assembly has exclusive power to make laws; and
   (b) in relation to matters in the Concurrent List, the Federation as well as the Territory will have executive authority (see paragraph 2 (1) above).

(2) The Governor of a Territory may, with the consent of the Governor-General, entrust to the Governor-General or to any other officer or authority of the Federation functions in relation to any matter to which the executive authority of the Territory extends and which, in the opinion of the Governor, is ancillary to, or closely related to, any matter included in the Exclusive List or the Concurrent List.

4. (1) The Governor-General may appoint a Prime Minister and other Ministers and may assign to each Minister such Departments as he thinks fit.

   (2) A Minister will hold office during Her Majesty’s pleasure.

   (3) No Minister will hold office for a longer period than four months unless he is or becomes a member of the Federal Assembly.

5. (1) There will be an Executive Council to advise the Governor-General in the government of the Federation. The Executive Council will consist of:
   (a) the Prime Minister
   (b) such other persons, being Ministers, as the Governor-General may from time to time appoint.

   (2) Members of the Executive Council will hold office during Her Majesty’s pleasure, and will cease to be members of the Executive Council if they cease to be Ministers.

   (3) Members of the Executive Council and Ministers will be required to take an appropriate oath in respect of their offices.

6. (1) The Governor-General will be required by Royal Instructions to act in accordance with advice of the Executive Council in the exercise of all powers conferred on him by the Constitution except those powers which are stated to be exercisable by him in his discretion. As regards the appointment of a Prime Minister and Ministers the normal constitutional conventions will be followed.

(30) In giving his consent to such delegation by the Governor of a Territory the Governor-General will act in his discretion if satisfied that the functions to be delegated are similar to functions which he himself is empowered to exercise in his discretion.

(31) There will be a system of Cabinet government but in accordance with normal constitutional practice the Cabinet as such will not be mentioned in the Constitution.
(2) It will be provided that the question whether any, and if so what, advice is tendered to the Governor-General by the Executive Council may not be enquired into in the Courts.

7. The prerogative of pardon will, in respect of offences against Federal law, be exercised by the Governor-General. In respect of other offences the prerogative of pardon will, as at present, be exercised by the respective Governors of the Territories.

CHAPTER V

THE AFRICAN AFFAIRS BOARD

Constitution of the Board

1. (1) There will be an African Affairs Board consisting of a Chairman and six ordinary members.

(2) No person will be eligible for appointment as Chairman or as an ordinary member of the Board who—

(a) is a member of the Federal Assembly or of any Territorial Legislature; or

(b) is a public officer.

2. The Chairman of the Board will be such person as the Governor-General in his discretion may, with the approval of a Secretary of State, appoint.

3. The Governor of each Territory will nominate two persons, being respectively an African and a European, for appointment as ordinary members of the Board and the Governor-General will appoint as ordinary members of the Board the persons who are so nominated.

4. A person will cease to hold office as Chairman or as an ordinary member of the Board—

(a) if his appointment is revoked by the Governor-General with the approval of a Secretary of State; or

(b) on the termination of such period as may be specified in the instrument by which he is appointed; or

(c) if he becomes a member of the Federal Assembly or of any Territorial Legislature or becomes a public officer; or

(d) if he resigns his office by writing addressed to the Governor-General; or

(e) if, in the case of an ordinary member, he is appointed as Chairman of the Board.

Functions of the Board

5. (1) It will be the general function of the Board to make to the Prime Minister (or, through the Prime Minister, to the Executive Council) such representations in relation to any matter within the legislative or executive authority of the Federation as the Board may consider to be desirable in the interests of Africans.

(2) If a Territorial Government so requests, the Board will give to such Government assistance in relation to the study of matters affecting Africans, and in particular the Board will provide Territorial Governments, at their request, with facilities for the exchange of information relating to any such matter.
(3) The Board will have the particular functions in relation to legislation which are conferred on it by paragraph 6 below.

6. These functions can be most concisely expressed in the form of the following tentative draft sections for inclusion in the Constitution:

"Interpretation"

1. In the following sections—

"Bill" includes the draft of a Bill which it is proposed to introduce in the Federal Assembly and, in the case of a Bill which has been so introduced, includes such Bill as amended in the Federal Assembly;

"differentiating measure" means a Bill or a subordinate law by which Africans are subjected or made liable to any conditions, restrictions or disabilities disadvantageous to them to which Europeans are not also subjected or made liable, or which might in its practical application have a like effect; and

"subordinate law" means any instrument which has the force of law and is made in the exercise of a power conferred by a law of the Federal Legislature.

"Bill to be sent to Board"

2. Before any Bill is introduced in the Federal Assembly a copy of the Bill shall be sent to the Board, unless the Governor-General in his discretion shall have certified in writing that such Bill—

(a) is of such a nature that it is not in the public interest that the Bill should be published before its introduction in the Federal Assembly; or

(b) is too urgent to permit of a copy thereof being sent to the Board before the Bill is introduced in the Federal Assembly.

"Board may send notice of objection to Prime Minister"

3. (1) If the Board considers that any Bill or subordinate law is a differentiating measure, the Board may send to the Prime Minister a notice in writing to that effect (hereinafter referred to as a 'notice of objection') and shall in such notice state the reasons why, in the opinion of the Board, the Bill or law is a differentiating measure.

(2) (a) A notice of objection in respect of a Bill shall be sent to the Prime Minister as soon as is practicable and shall in any case be delivered to the Prime Minister before the Bill is presented to the Governor-General for assent.

(b) A notice of objection to a subordinate law may be delivered to the Prime Minister at any time within thirty days after the publication of the subordinate law.

"Board may withdraw objection"

4. The Board may at any time withdraw a notice of objection by a further notice in writing sent to the Prime Minister, and the succeeding sections shall not apply in relation to any notice of objection after it has been withdrawn.

"Procedure upon objection to Bill"

5. When a notice of objection is received by the Prime Minister in respect of a Bill then—

(a) if the Bill is subsequently introduced in the Federal Assembly, the notice of objection shall be laid on the table of the Assembly when the Bill is introduced; and

(b) if the Bill has already been introduced in the Federal Assembly (and whether or not the Bill has already been passed by the Assembly), the notice of objection shall be laid on the table of the Assembly as soon as is practicable after it is received.

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(2) If the Federal Assembly passes any Bill in respect of which the Prime Minister has received a notice of objection or if the Prime Minister receives a notice of objection in respect of a Bill which has already been passed by the Assembly, the notice of objection shall be laid before the Governor-General when the Bill is presented to him for assent and thereupon the following provisions of this section shall have effect.

(3) Save as is otherwise provided in subsection (4) of this section the Governor-General shall not assent to the Bill but shall reserve it for the signification of Her Majesty's pleasure and shall send the notice of objection to a Secretary of State together with the Bill.

(4) The Governor-General in his discretion may assent to the Bill—(32)

(a) if he is satisfied that it is not a differentiating measure; or

(b) if he is satisfied, upon representations made to him by the Prime Minister, that it is essential in the public interest that the Bill be brought into immediate operation; but, if he does so assent, the Governor-General shall forthwith send to a Secretary of State the Bill to which he has assented together with the notice of objection and a statement of his reasons for assenting.”

“6. (1) When a notice of objection in respect of a subordinate law is received by the Prime Minister, he shall, within thirty days, send the notice of objection and his comments thereon to the Governor-General; and the Governor-General shall send the notice of objection together with the Prime Minister's comments to a Secretary of State.

(2) (a) A Secretary of State may at any time within twelve months after he has received a notice of objection under this section disapprove of the subordinate law to which the notice of objection relates.

(b) Upon receipt of notification of a Secretary of State's disapproval of any subordinate law, the Governor-General shall cause notice of such disapproval to be published in the official Gazette of the Federation; and the subordinate law shall be deemed to be revoked as from such date as the Governor-General in his discretion may by such notice appoint, but without prejudice to anything previously done thereunder or to the enactment of a new subordinate law.”

Regulations

7. The Governor-General will be empowered in his discretion to make regulations(33) for giving effect to this Chapter and in particular will be

(32) This power to assent in exceptional circumstances to a Bill which has been objected to by the Board will not apply in the case of any Bill of a kind required to be reserved by some other part of the Constitution—see Chapter III, paragraph 6 (1) (a) and (c).

(33) These regulations will inter alia provide

(a) that the decisions of the Board shall be by majority vote. (The Chairman's casting vote, when it is necessary, should be given in favour of keeping the subject under discussion)

(b) that where the Board is not unanimous this fact shall be reported to the Governor-General at the time the notice of objection is submitted.
empowered to provide by such regulations for the following matters:

(a) the terms of service of the Chairman and members of the Board;
(b) the appointment of persons to fill temporary vacancies in the membership of the Board (including any temporary vacancy in the office of Chairman) and the tenure of office and terms of service of persons so appointed;
(c) the organization of the work of the Board and the manner in which the Board will perform its functions, including the number of persons who will constitute a quorum of the Board;
(d) the delegation to the Chairman or any member of the Board of any of the functions of the Board;
(e) consultation by the Board with persons other than members of the Board;
(f) the appointment, tenure of office and terms of service of staff to assist the Board in the performance of its functions.

CHAPTER VI

FINANCE

PART 1. GENERAL

1. A Fiscal Commission is being set up to investigate and report on what financial arrangements should be made for a Federation of the three Territories. The terms of reference to be given to this Commission are as follows:

“(1) To assess the effect of the creation of a Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland on the public expenditure of the Federal area as a whole, and in particular to estimate, after taking account of the transfer of assets and liabilities involved, the net cost of—

(a) Federal services under the proposed Federation;
(b) the services remaining to be undertaken by the constituent Governments;

bearing in mind the need for the maximum economy in administration compatible with the basic purposes of the proposed Federation.

(2) In the light of (1) above, and in the light of the allocation of sources of revenue set out in Chapter VI of the Draft Federal Scheme, to undertake an enquiry into the means whereby the revenues available, or to be made available, to the three constituent Governments and to the Federal Government under the proposed Federation should best be collected and distributed between the Federal Government and the constituent Governments, having regard on the one hand to the need to preserve to the constituent Territories financial autonomy within the sphere of government assigned to them, and on the other hand to the importance of ensuring that the financial resources of the area comprised by the proposed Federation are applied for the benefit of the area as a whole.
(3) To consider, in particular, what form of taxation on incomes would be best adapted to the needs of such a Federal system, bearing in mind the desirability of ensuring, so far as circumstances permit, a uniform practice throughout the Federal area as regards reliefs and allowances.

(4) To consider, in the light of the fundamental importance of ensuring co-ordination of loan policies, what arrangements could most suitably be made between the Federal Government and the constituent Governments as regards external and internal government borrowing.

(5) To undertake an enquiry into the internal and external problems created by a decision to establish a Customs Union of the three Territories constituting the proposed Federation and to consider the means by which these problems can best be solved in the interests of the Federal area.

(6) To consider the steps which should be taken to bring the Customs Union into full effect as expeditiously as possible and at any rate within a period of not more than two years from the decision to establish such a Union.

(7) To submit recommendations on the above subjects to the Governments of Southern Rhodesia, Northern Rhodesia and Nyasaland, and to Her Majesty's Government in the United Kingdom.”

In the matter of income tax the Conference noted from a study of other federal systems that it has in general been found best to arrange for basic income tax to be assessed and collected on a federal basis. It took the view that so far as possible income tax law and administration should be unified. This would apply to all taxes on income.

2. Until the Fiscal Commission has submitted its report it is not possible to set out in detail what the financial arrangements for the Federation would be. They should however be on the following general pattern.

3. As will be seen from the terms of reference the distribution of income tax between the Federation and the Territories will be one of the matters on which the Fiscal Commission will make recommendations. In addition to any taxes on income which may be assigned to the Federation as a result of these recommendations and subject to any overriding considerations to which the Fiscal Commission may draw attention the Federation should have the following revenues:

(a) The produce of Customs and Excise.
(b) Postal, Telephones and Telecommunications revenues.
(c) Fees for services rendered by the Federal Government and such other revenues as may accrue to the Federation in connection with any matter within the jurisdiction of the Federation.

4. All revenues or other moneys raised or received by the Government of the Federation will form one Consolidated Revenue Fund to be appropriated for the purposes of the Federation in the manner prescribed by the Constitution and subject to the charges imposed thereby.
5. (a) The cost of the collection and management of the Consolidated Revenue Fund will form a first charge on the Fund.

(b) The Constitution will also charge upon the Consolidated Revenue Fund the emoluments of the Governor-General, the Chief Justice and other Judges of the Federal Supreme Court and the Chairman and other members of the African Affairs Board.

6. All such costs, charges and expenses will be reviewed and audited in such manner as may be laid down by Federal law.

7. Money will be withdrawn from the Consolidated Revenue Fund only under appropriation made by law but provision will be made on the usual lines whereby, in advance of parliamentary appropriation, money can in certain circumstances be made available to meet unforeseen expenditure and to cover any period, not exceeding four months, between the end of a financial year and the passing of the Appropriation Act for the following year.

**PART 2. BORROWING**

1. The Fiscal Commission is being directed (cf. terms of reference (4)) to consider, in the light of the fundamental importance of ensuring co-ordination of loan policies, what arrangements could most suitably be made between the Federal Government and the Territorial Governments as regards external and internal government borrowing. It appears that such co-ordination could best be achieved by the establishment of a Loans Council for the Federation on the model of the Loan Council of Australia which has executive powers over certain aspects of governmental borrowing. This Council would be representative of the Federal Government and the three Territorial Governments. It is envisaged that it would deal solely with government borrowing outside the Federal area by the three Territorial Governments and by the Federal Government.

2. No final arrangements can be proposed for external and internal borrowing by the Federal Government and the Territorial Governments until the Fiscal Commission has reported on this matter, particularly as the question of loans is to some extent connected with the question of revenues.

**PART 3. TRANSFER OF ASSETS AND LIABILITIES**

In the course of its deliberations the Fiscal Commission will consider what assets and liabilities it will be necessary or desirable to transfer from the Territories to the Federation and the terms on which such transfers should take place.
CHAPTER VII
THE FEDERAL PUBLIC SERVICE

PART 1. CIVIL SERVICE PREPARATORY COMMISSION

In order to work out the details of how the Federal Public Service is to be established a Commission of Enquiry, to be known as the Civil Service Preparatory Commission, is being set up with the following terms of reference:—

“(1) In the light of the provisions of the Draft Federal Scheme, and in particular of the provisions of Part 2 of Chapter VII, to make recommendations concerning the establishment of a Federal Public Service and in particular for the following matters:—

(i) initial arrangements for the transfer to the Federal Public Service of those functions which are to be transferred from Territorial to Federal control;

(ii) organisation and structure of the Federal Public Service;

(iii) terms and conditions of service of officers and other employees appointed to the Federal Public Service;

(iv) arrangements for the transfer to the Federal Public Service of those officers and other employees at present serving in the Territories who will be required to staff Federal services;

(In making recommendations on this subject the Preparatory Commission shall have regard to the need for preservation of existing rights and avenues of advancement of such officers and employees.)

(v) arrangements which should govern the grant of the right to retire on abolition-of-office terms to officers and other employees who are at present staffing such services of the Territorial Governments as are to be transferred to the Federal Government and who elect not to accept appointment in the Federal Public Service.

(2) To consider what steps should be taken to work towards uniformity in terms and conditions of service between the Federal Public Service and the Territorial Public Services in order to encourage interchangeability of staff between these four services.”

PART 2. ESTABLISHMENT AND CONTROL OF THE FEDERAL PUBLIC SERVICE

1. In this Part the expression “Federal Public Officer” does not include a Judge of any Federal Court.

2. The power to appoint (including power to promote or transfer) and the power to dismiss and to exercise other disciplinary control over Federal Public Officers will be vested in the Governor-General.

Interpretation.

Power to appoint and to dismiss etc. Federal Public Officers.

(34) The Federal Public Service will be separate from the Territorial Public Services which will continue to carry out the functions remaining with the Territorial Governments.
3. (1) There will be a Public Service Commission to advise the Governor-General in the exercise of the powers conferred on him by paragraph 2 above.

(2) (a) The Public Service Commission will consist of such persons as the Governor-General may appoint, one of whom the Governor-General will nominate as Chairman of the Commission.

(b) No person will be appointed as or will remain a member of the Public Service Commission if he is a member of the Federal Legislature or of any Territorial Legislature.

4. (1) In the exercise of the powers referred to in paragraph 2 above the Governor-General will act after consultation with the Public Service Commission.

(2) The Public Service Commission will have such other functions as may be assigned to it by law or regulations enacted in pursuance of paragraph 6 below.

5. The Governor-General may delegate to any person or authority in the Federation any of the powers conferred on him by paragraph 2 above. The Governor-General may delegate any such power subject to such limitations and conditions as he may think fit, and in particular may require the person or authority to whom the power is delegated to exercise such power with the advice of the Public Service Commission and may prescribe whether or not such person is to act in accordance with the advice of the Public Service Commission.

6. (1) The Federal Legislature will be empowered to make laws for giving effect to the foregoing provisions of this Part and in particular for the following matters:

(a) additional functions of the Public Service Commission;

(b) appointment of temporary members of the Commission (including a temporary Chairman);

(c) tenure of office and other terms of service of members (including temporary members) of the Commission;

(d) organisation of work of the Commission and the manner in which it shall perform its functions;

(e) staff of the Commission and their terms of service;

(f) delegation to any member of the Commission of any of the Commission’s functions.

(2) Until the Federal Legislature makes provision for the matters referred to in sub-paragraph (1) above, the Governor-General may make provision for such matters by regulations. Such regulations will be subject to revocation and amendment by Federal law.

7. The conditions of service, including pensions, gratuities and other like benefits, of public officers (and their widows, children, dependants and personal representatives) which might be affected by the establishment of the Federation, will be preserved. This will also apply to former public officers who, although retired or transferred elsewhere, are entitled to such benefits.

(18) The Public Service Commission would be a continuing body quite distinct from the Preparatory Commission referred to in Part 1 of this Chapter.
CHAPTER VIII

THE FEDERAL JUDICATURE

1. (1) The Federal Supreme Court will consist of a President, and such other judges as the Governor-General may appoint, one of whom may be designated Vice-President.

(2) A judge will not be removed from office except by the Governor-General on an address from the Federal Assembly praying for such removal on the ground of misbehaviour or incapacity or infirmity of mind or body.

(3) The judges will receive such remuneration as may be prescribed by Federal law but the remuneration of a judge will not be diminished during his tenure of office.

2. If, in proceedings in any other court in the Federation, any question arises as to the interpretation of the Constitution, the court will have power to refer such question directly to the Federal Supreme Court.

3. The Federal Supreme Court will have original jurisdiction in proceedings between Territorial Governments or between the Federal Government and any Territorial Government, and in such other matters as may be prescribed.

4. The Federal Supreme Court will have jurisdiction to hear and determine—

(a) appeals from its own original side, in so far as such appeals are provided for by Federal law;

(b) appeals from Territorial Courts in matters arising under Territorial law, in so far as such appeals are provided for by Territorial law; and

(c) appeals from Territorial Courts in matters arising under Federal law, in so far as such appeals are provided for by Territorial or Federal law.

5. Subject to the preceding paragraphs of this Chapter, jurisdiction in civil and criminal proceedings arising under Federal law will, unless it is otherwise provided by Federal law, vest in and be exercised by Territorial Courts as if the Federal law in question were a Territorial law.

6. The establishment of the Federal Judicature is largely a technical matter which will have to be studied and reported on later by a Judicial Commission. The terms of reference of this Commission will be as follows:

"To consider in the light of the proposals in the Draft Federal Scheme, particularly Chapter VIII thereof:

(i) the constitution of the Federal Supreme Court, whose members shall include at least three judges who are not members of the High Courts of the three Territories;"

(36) These other matters should be comparatively few. Whether any of them need to be described in the Constitution itself cannot be decided until the Judicial Commission has reported—see paragraph 6 below.
(ii) the jurisdiction of the Federal Supreme Court, original and appellate;

(iii) appeals from the Federal Supreme Court;

(iv) the legislative authority of the Legislatures of the Federation and the Territories respectively in relation to the jurisdiction of the Federal Supreme Court;

(v) the making of Rules of Court for the Federal Supreme Court including rules regulating the procedure in questions regarding membership of the Federal Assembly which come before the Court under Chapter II, Part 3, of the Draft Federal Scheme;

and to make recommendations."

CHAPTER IX

MISCELLANEOUS

1. At the commencement of the Federation there will be in existence a number of Territorial laws relating to matters which will under the Constitution become Federal matters. The Federal Legislature will have to make provision for such laws to be construed in a manner which conforms to the provisions of the Constitution (e.g. by the substitution of references to Federal authorities for references to Territorial authorities). It may, however, be necessary to make some such provisions before the Constitution comes fully into operation. The Governor-General will, therefore, be empowered in his discretion to make formal adaptations in Territorial laws for this purpose at any time before the first meeting of the Executive Council.

2. To preserve the rights reserved under the Lewanika concessions the Constitution will contain a provision similar to section 41 of the Northern Rhodesia Order in Council, 1924, which reads as follows:—

"41. (1) It shall not be lawful for any purpose whatever, except with the consent of the Chief of the Barotse and with the approval of the Secretary of State, to alienate from the Chief and people of the Barotse the territory reserved from prospecting by virtue of the concessions from Lewanika to the British South Africa Company, dated the 17th day of October, 1900, and the 11th day of August, 1909.

(2) All rights reserved to or for the benefit of natives by the aforesaid concessions as approved by the Secretary of State shall continue to have full force and effect."

3. A person who sits or votes in the Federal Assembly knowing or having reasonable grounds for knowing that he is not entitled so to do will be liable to a penalty not exceeding twenty pounds for every day on which he so sits or votes. The penalty will be recoverable by action in the Federal Supreme Court at the suit of the Attorney-General of the Federation.

4. To reduce the risk of litigation on constitutional questions where the Federal Legislature and all three Territorial Legislatures are agreed, the Constitution will contain a section on the following lines:—
“(1) If the Federal Assembly by resolution directs that any Federal law shall be laid upon the table of each Territorial Legislature, such law shall be so laid as soon as is practicable thereafter:

Provided that no resolution shall be passed in pursuance of this subsection later than one month after the date of enactment of the law to which it relates.

(2) At any time within a period of six months after a Federal law has been laid on the table of a Territorial Legislature in pursuance of subsection (1) of this section (which period is hereinafter referred to as "the prescribed period") such Legislature may by resolution declare that it is not satisfied that the law relates only to Federal matters.

(3) If—

(a) a Federal law has been laid on the table of each Territorial Legislature in pursuance of subsection (1) of this section; and

(b) no Territorial Legislature has, within the prescribed period, made in respect of that law such a declaration as is referred to in subsection (2) of this section,

then (except in any proceedings which have already been commenced) the validity of that law shall not be questioned in any court on the ground that the law relates to matters other than Federal matters.

(4) (a) In this section the expression "Federal matters" used in relation to a Federal law means matters with respect to which the Federal Legislature had authority to legislate at the time when such law was enacted.

(b) For the purposes of this section the date of enactment of a law shall be the date on which such law is assented to.”

5. (1) The provisions of the Constitution will be subject to amendment by Federal law: Provided that a Bill for the amendment of the Constitution (hereinafter referred to as a “constitutional Bill”)—

(a) will require to be passed by a two-thirds majority of the total membership of the Federal Assembly excluding the Speaker; and

(b) will not be assented to by the Governor-General but will be reserved by him for the signification of Her Majesty’s pleasure.

(2) Her Majesty’s assent to a constitutional Bill will be required to be signified by Order in Council—

(a) if any Territorial Legislature by resolution objects to the Bill or to any provision thereof within sixty days after the Bill has been passed by the Federal Assembly; or

(b) if, under Chapter V, a notice of objection to the Bill by the African Affairs Board is laid before the Governor-General at the time when the Bill is presented to him for the Royal assent.

(3) No draft of an Order in Council signifying Her Majesty’s assent to a constitutional Bill will be presented to Her Majesty unless—

(a) a copy of the draft has been laid before both Houses of Parliament; and
(b) neither House has, within a period of forty days beginning with the day on which the copy of the draft is laid before it, resolved that the draft should not be presented to Her Majesty.  

(4) Her Majesty's assent to a constitutional Bill will, when it is not required to be signified by Order in Council, be signified through a Secretary of State, but will not be so signified sooner than sixty-five days after the Bill has been passed by the Federal Assembly unless within that time the Legislatures of all three Territories have passed resolutions to the effect that they do not propose to object to the Bill or to any provision thereof under sub-paragraph (2) (a) above.

(5) The power to amend the Constitution by Federal law will include power to establish and constitute a second chamber of the Federal Legislature and to prescribe its functions and generally to make such amendments of the Constitution as may be considered necessary or expedient in consequence of the establishment of such second chamber.

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(37) This is the normal way of signifying the Royal assent to a Bill which has been reserved.
LIST OF THOSE TAKING PART IN THE CONFERENCE

United Kingdom

The Most Hon. the Marquess of Salisbury, K.G.
The Rt. Hon. Oliver Lyttelton, D.S.O., M.C., M.P.
The Rt. Hon. A. T. Lennox-Boyd, M.P.
Mr. J. G. Foster, Q.C., M.P.
Sir Percivale Liesching, G.C.M.G., K.C.B.
Mr. G. H. Baxter, C.M.G., C.I.E.
Mr. W. L. Gorell Barnes, C.M.G.
Mr. J. B. Williams, C.M.G.
Mr. E. Melville, C.M.G.
Mr. J. P. Gibson, C.B.E.
Mr. H. T. Bourdillon
Mr. J. E. Marnham, M.C.
Mr. R. S. Hudson, C.M.G.
Mr. R. L. D. Jasper

Secretary of State for Commonwealth Relations.
Secretary of State for the Colonies.
Minister of State for Colonial Affairs.
Parliamentary Under-Secretary of State for Commonwealth Relations.
Permanent Under-Secretary of State, Commonwealth Relations Office.
Assistant Under-Secretary of State, Commonwealth Relations Office.
Assistant Under-Secretary of State, Colonial Office.
Assistant Under-Secretary of State, Colonial Office.
Assistant Under-Secretary of State, Colonial Office.
Assistant Secretary, Commonwealth Relations Office.
Assistant Secretary, Colonial Office.
Assistant Secretary, Colonial Office.
Head of African Studies Branch, Colonial Office.
Principal, Commonwealth Relations Office.

Southern Rhodesia

The Hon. E. C. F. Whitehead, C.M.G., O.B.E., M.P.
The Hon. J. M. Greenfield, Q.C., M.P.
The Hon. P. B. Fletcher, M.P.
Mr. R. O. Stockil, M.P.
Mr. W. H. Eastwood, M.P.
Mr. K. M. Goodenough, C.M.G., M.C.
Mr. A. H. Strachan, C.B.E.
Mr. T. G. Gisborne
Mr. J. B. Ross
Mr. A. D. Evans, M.B.E.
Mr. J. N. N. Nkomo
Mr. J. Z. Savanhu

Prime Minister.
Minister of Finance.
Minister of Internal Affairs and Justice.
Minister of Native Affairs.
Leader of the Opposition.
Rhodesia Labour Party Representative.
High Commissioner in London.
Secretary to the Treasury.
Secretary to the Cabinet.
Deputy High Commissioner in London.
Assistant Secretary for Internal Affairs.
African Delegate.
African Delegate.
Northern Rhodesia
Sir Gilbert Rennie, K.C.M.G., M.C. ................. Governor.
Mr. E. I. G. Unsworth, Q.C. ................. Attorney General.
Mr. R. P. Bush, O.B.E. ............... Secretary for Native Affairs.
Mr. R. A. Nicholson .................. Economic Secretary.
Mr. R. Welensky, C.M.G., M.L.C. ................. Chairman of the Unofficial Members' Association.
Mr. G. B. Beckett, C.M.G., M.L.C. ................. Member for Agriculture and Natural Resources.
Mr. J. S. Moffat, O.B.E., M.L.C. ...... Nominated Unofficial Member of the Legislative Council representing African Interests.

Nyasaland
Sir Geoffrey Colby, K.C.M.G. ................. Governor.
Mr. V. Fox-Strangways ................. Secretary for African Affairs.
Mr. M. P. Barrow, C.B.E. ............... Senior Unofficial Member of Legislative Council.
Mr. G. G. S. J. Hadlow, O.B.E. ................. Unofficial Member of Legislative Council.
Mr. J. Marshall, O.B.E., M.C. ................. Unofficial Member of the Economic Development Committee.
Mr. K. Ommaney Shelford ................. President of the Convention of Associations.

Central African Council
Mr. H. N. Parry ................. Chief Secretary.

Legal Advisers
Sir Kenneth Roberts-Wray, K.C.M.G.
Mr. J. C. McPetrie.
Mr. T. H. Perrott.

Conference Adviser
Professor K. C. Wheare ................. Gladstone Professor of Government and Public Administration, University of Oxford.

Secretaries
Mr. A. Savage ................. Cabinet Office.
Mr. D. Williams ................. Colonial Office.
Mr. N. Aspin ................. Commonwealth Relations Office.
FINAL COMMUNIQUE OF THE VICTORIA FALLS CONFERENCE ON THE CLOSER ASSOCIATION OF THE CENTRAL AFRICAN TERRITORIES

The Victoria Falls Conference issued the following communiqué after its final meeting on Friday, September 21st, 1951:—

1. The present Conference was convened by the Governments of the United Kingdom, Southern Rhodesia, Northern Rhodesia and Nyasaland for the purpose of discussing the question of Closer Association of the British territories in Central Africa.

2. The Conference opened at Victoria Falls on Tuesday, 18th September, and was of a representative character. In the case of Southern Rhodesia the representatives included the Prime Minister and other Ministers and leaders of the Opposition parties in Parliament. In the case of Northern Rhodesia the delegation consisted of the Governor and official and unofficial members of the Legislative Council, including Africans. Nyasaland was represented by the Governor, senior officials and leading unofficial persons, European and African. The United Kingdom delegation consisted of the Secretaries of State for the Colonies and for Commonwealth Relations, accompanied by some of their chief advisers.

3. The Conference had before it the Report prepared last March by a number of senior official advisers of the four Governments concerned. The authors of that Report had been requested “to examine the problem in all its aspects and consider whether it is possible in the light of this examination for them to formulate proposals for a further advance to be made in the closer association of the three Central African territories which they could recommend to the Governments of these territories and to His Majesty’s Government in the United Kingdom”. Their work was purely exploratory and did not commit any of the participating Governments to the adoption of any proposals that they might formulate.

4. The Report of the London Conference of officials was unanimous on all points. Its main recommendation was that closer association between the three territories ought to be brought about and that the need for this is urgent. It recommended further that this should be done not by amalgamation of the territories, but on a federal basis; and put forward in some detail a scheme framed to take particular account of the special features of the Central African situation, including the self-governing status of Southern Rhodesia, and designed to provide substantial safeguards for the interests of Africans. Moreover, those matters most closely affecting the life of Africans would under the proposals in the Report come within the territorial and not within the federal sphere; and within the territorial sphere the Northern Rhodesia and Nyasaland Governments would remain responsible as at present to His Majesty’s Government in the United Kingdom.

5. In announcing the present Conference it has from the outset been made clear that there was no intention of reaching decisions at it binding on any Government. It was realised that such a conference might disclose points of difference with regard to the principle of federation as well as to the proposals made in the Report to bring it into being. This has proved to be the case. It has become evident that further discussion within each territory and exchanges of views between the four Governments will be necessary, and the Conference has therefore adjourned. It is hoped that the position can be sufficiently clarified to enable the Conference to reassemble in London about the middle of next year.

6. On the main question of federation, as so far presented and examined, the Conference, with the exception of the African representatives, showed itself favourable to the principle of federation. The representatives of African interests in Northern Rhodesia explained that Africans would be willing to consider the question of federation on the basis of the Report of the London Conference of officials after the policy of partnership in Northern Rhodesia had been defined and, as so defined, put into progressive operation.
7. There was general agreement in the Conference that economic and political partnership between Europeans and Africans is the only policy under which federation could be brought about in the conditions of Central Africa, and it was recognised that any scheme of closer association would have to give full effect to that principle.

8. The Conference was gravely concerned at the dangers which would flow from any weakening or dilution of the British connection and British traditions and principles in the three territories and agreed that they should so be strengthened as to ensure that they should continue to prevail.

9. The Conference recognised the advantages which—if an acceptable scheme with adequate safeguards for all could be agreed upon—would arise from the common handling of problems that transcend territorial boundaries, such as communications, research, defence, higher education, and the planning of economic development.

10. It has however been made clear at the Conference that one of the main obstacles to the general acceptance of federation rests in the apprehensions felt by Africans in the two northern territories that federation might impair their position and prospects in the respective territories.

11. The Conference agreed that in any further consideration of proposals for federation:

(i) The protectorate status of the two northern territories would be accepted and preserved. This therefore excludes any consideration now or in the future of amalgamation of the three territories unless a majority of the inhabitants of all three territories desired it.

(ii) Land and land-settlement questions in Northern Rhodesia and Nyasaland must remain, as at present (subject to the ultimate authority of His Majesty's Government in the United Kingdom), the responsibility of the territorial Government and Legislature in each territory and not of any federal authority. The land rights of the African people in Northern Rhodesia and Nyasaland must remain secured in accordance with the existing Orders in Council on the subject.

(iii) The political advancement of the peoples of Northern Rhodesia and Nyasaland, both in local and territorial government, must remain as at present (subject to the ultimate authority of His Majesty's Government in the United Kingdom) the responsibility of the Government and Legislature of each territory, and not of any federal authority.

12. It was further agreed that if any form of closer association is eventually decided on all these rights should be enshrined as an integral part of the constitution.

13. The Conference did not reach the stage of discussing the constitution and powers of the Federal Parliament, but the Southern Rhodesian delegation intimated that there were certain points in the Report as written with which they do not agree and which should be discussed with all concerned before the resumed conference is held. These points would not weaken the powers of the territorial legislatures referred to in paragraph 11 above.

14. The Conference understood that other delegations might also have reservations on points in the Report as written.
APPENDIX II

DRAFT PARLIAMENTARY STATEMENT

The House will recall that in the course of a debate on the 4th March it was explained that Her Majesty's Government were increasingly conscious of the need to prepare and place before the public as early as possible a definite draft scheme for the federation of Southern Rhodesia, Northern Rhodesia and Nyasaland. The absence of a detailed picture was responsible for many of the anxieties and suspicions that have found expression in some quarters, both in this country and in the three territories, about such a federation. Her Majesty's Government had therefore decided that the Conference which adjourned at Victoria Falls last September should be invited to reassemble in London in April, and that its principal task should be the drawing up of a draft constitutional scheme which would take account of the recommendations made in the officials' report in 1951 (Cmd. 8233) and of any modifications therein which the Central African Governments might wish to propose.

The Conference duly met on the 23rd April at Lancaster House and remained in session until the 5th May. My colleague the Secretary of State for the Colonies and I led the United Kingdom delegation. The Southern Rhodesian delegation included the Prime Minister and other Ministers as well as members of the Opposition Parties and two Africans. The Northern Rhodesian delegation consisted of the Governor and official and unofficial members of the Legislative Council. The Nyasaland delegation included the Governor, senior officials and leading unofficials. It was a matter of great regret to the Conference and to Her Majesty's Government in the United Kingdom that African representatives of the African Representative Council of Northern Rhodesia and the African Protectorate Council of Nyasaland who had come to London declined an invitation to participate in the Conference or even to attend as observers. The Conference faced the many difficult issues involved with determination and goodwill, and a draft federal scheme was agreed upon which is being published today as a White Paper.

The Conference also decided to set up three Commissions which during the summer would investigate the financial, administrative and judicial problems attending the establishment of a federation in Central Africa. It is the intention of Her Majesty's Government that, after these Commissions have reported, a further Conference shall be held in Africa later in the year to give final shape to the federal scheme. Her Majesty's Government and the Central African Governments would then decide whether, subject to ratification in the three territories, the scheme in its final shape shall be approved.

It is our earnest hope that meanwhile the public here and in Central Africa, and in particular the leaders of African opinion, will study very carefully the details of the Draft Federal Scheme now published, before they reach conclusions about it. For a summary of the Scheme, I would refer the House to the Preface to the White Paper. I wish to draw special attention to certain features in it. Why at the outset do we aim at a federal form of government? Members will find on page 3 of the White Paper a statement of the reasons why Her Majesty's Government have rejected the alternative of amalgamation. We believe nevertheless that the closer political association of the three territories is urgently needed in the interests of all their inhabitants. A federal scheme will satisfy that need while at the same time reserving to the separate territorial Governments, which would retain their existing relationship to Her Majesty's Government, the handling of those matters affecting most closely the day-to-day life of the African. That is a fundamental feature of the scheme which should appeal to African opinion.
In order to ensure that a close and effective watch is kept on African interests in the federal sphere we propose to set up a special instrument, the African Affairs Board. We could not accept the original recommendation of the officials' conference that the Chairman of the Board, appointed by the Governor-General with the approval of the Secretary of State, should have a seat in the Cabinet. This seemed to us constitutionally unsound. But we give the Board statutory right of direct access to the Prime Minister and the Executive Council; we introduce qualifications for membership which will make the Board independent of the Legislatures and the Executive of both the Federation and the Territories; and we empower it not only to make representations in the interests of Africans on any matter within the competence of the Federation but also to ensure that any legislation which it regards as differentiating, in terms or in its application, between Europeans and Africans to the disadvantage of the latter shall be referred to Her Majesty's Government. The vital importance of this provision is unquestionable. We believe that the present proposal is both constitutionally more satisfactory and will prove more effective in protecting the interests of Africans.

Moreover in the preparation of the draft scheme we have carried out our promise that certain rights of which the African is particularly jealous should be formally embodied in the Constitution. Land and land settlement questions are reserved to the territorial Governments; the Federal Government has no power to acquire land except for the necessary discharge of its proper functions, for example for the extension of a railway line, and always in accordance with existing Orders in Council and relevant legislation. The continuance of the protectorate status of the two northern territories and the continued responsibility of the Territorial Governments for local and territorial political advancement are emphasised. Lastly, very important provisions have been included in regard to future constitutional changes. All amendments of the Constitution will require to be passed by a two-thirds majority of the membership of the Federal Assembly and will be reserved for Her Majesty's pleasure. More than that, if objection is raised to any proposed amendment either by the African Affairs Board or by a Territorial Legislature, then the amendment can only be made by Order in Council, and the draft Order will be laid before Parliament here for forty days before it is made.

The federal proposals published today take full and fair account of the interests of all the inhabitants of Southern Rhodesia, Northern Rhodesia and Nyasaland. They offer the framework of a new political organism which we believe will satisfy the needs of Central Africa and promote the welfare of the three territories and all their inhabitants. We earnestly hope that the Draft Federal Scheme will be very carefully studied, both here and in Central Africa, and that as a result of the discussions upon it the constitution of a federation on the basis proposed will eventually be approved.