

of employment or education and admission of a person in a position to support himself) shall prevent an immigration officer from exercising his power under that section to refuse admission into the United Kingdom to a person to whom this Article applies or to admit him subject to conditions and, accordingly, the said section 2 shall have effect as if subsection (3) were omitted;

(c) notwithstanding anything in section 6 of that Act (which relates to the application of the provisions of Part II of that Act for authorising the deportation of Commonwealth citizens from the United Kingdom pursuant to the recommendation of a court and excepts certain persons therefrom) the provisions of the said section 6 shall apply to a person to whom this Article applies as if the reference therein to offences punishable with imprisonment were a reference to offences against that Act as it has effect by virtue of this paragraph and, subject to sub-paragraph (d) of this paragraph, the provisions of the said Part II shall have effect accordingly; and

(d) section 7 of that Act (which relates to the power of a court to recommend a Commonwealth citizen for deportation in certain circumstances) shall have effect as if the reference therein to an offence punishable with imprisonment were a reference to an offence against that Act as it has effect by virtue of this paragraph.

(3) Nothing in this Article shall be construed as derogating from the powers conferred by the Commonwealth Immigrants Act 1962, apart from this Article, in relation to a person to whom this Article applies.

(4) References in this Article to a Commonwealth citizen shall be construed in like manner as in Part I of the Commonwealth Immigrants Act 1962 and references in this Article to that Act shall be construed as references to that Act as modified, amended or extended by or under any enactment.

#### *Restrictions on certain activities promoting emigration to Southern Rhodesia*

14.—(1) Except under the authority of a licence granted by the Minister no person shall—

(a) publish, or be a party to the publication of, any advertisement or any public notice or announcement soliciting or encouraging other persons to take up employment or residence in Southern Rhodesia; or

(b) do any other act calculated to solicit or encourage members of the public generally or members of any particular class of the public to take up such employment or residence.

(2) Any person who contravenes paragraph (1) of this Article shall be guilty of an offence against this Order unless, in the case of a person who publishes, or is a party to the publication of, an advertisement or a public notice or announcement of such a character as is described in sub-paragraph (a) of that paragraph, he proves that he did not know and could not with reasonable diligence have ascertained that the advertisement, notice or announcement was of that character.

(3) Nothing in paragraph (1)(b) of this Article shall be construed as prohibiting the publication of factual accounts of actions, events, places or things.

#### *Obtaining of evidence and information*

15. The provisions of Schedule 1 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Secretary of State or the Board of Trade or the Commissioners of Customs and Excise, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining, by or on behalf of the Secretary of State or the Board of Trade or the Commissioners of Customs and Excise, of evidence of the commission of an offence against this Order or, with respect to any of the matters regulated by this Order of an offence relating to customs.

#### *Penalties and Proceedings*

16.—(1) Any person guilty of an offence against this Order shall be liable—

(a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both; or

(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500 or to both.

(2) Where any body corporate is guilty of an offence against this Order and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) In any proceedings against any person for a contravention of Article 10(3) of this Order, if it is proved that, notwithstanding any directions given to him under that Article in relation to any property, the ownership of that property or of any interest in or right over that property has been transferred, the burden of proving that he complied with those directions shall lie on him.

(4) Summary proceedings for an offence against this Order, being an offence alleged to have been committed outside the United Kingdom, may be commenced at any time not later than twelve months from the date on which the person charged first enters the United Kingdom after committing the offence.

(5) Proceedings for an offence against this Order may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom where any person charged with that offence is for the time being.

(6) Proceedings for an offence against this Order shall not be instituted except by, or with the consent of, the Secretary of State or the Board of Trade or, in England or Wales, the Director of Public Prosecutions or, in Northern Ireland, the Attorney-General for Northern Ireland;

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

#### *Exercise of powers of the Minister*

17.—(1) The Minister may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order (other than the power to give authority under Schedule 1 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him, and references in this Order to the Minister shall be construed accordingly.

(2) Any licences granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

#### *Interpretation*

18.—(1) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say:

“commander”, in relation to an aircraft, means the person designated as commander of the aircraft by the operator thereof, and includes any person who is for the time being in charge or command of the aircraft;

“land transport vehicle” includes a barge;

“master”, in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

“Minister” means the Secretary of State, the Board of Trade or the Minister of Power;

“operator”, in relation to an aircraft or to a land transport vehicle, means the person for the time being having the management of the aircraft or the vehicle;

“owner”, in relation to a ship, includes any person for the time being having the management of the ship and any person to whom it is chartered;

“the previous Orders” means the Orders set out in Schedule 2 to this Order; and

“person in Southern Rhodesia” includes any body constituted or incorporated under the law of Southern Rhodesia and any body carrying on business (whether within Southern Rhodesia or not) which is controlled by persons or bodies