



OFFICIAL GAZETTE

OF THE
HIGH COMMISSIONER FOR BASUTOLAND, THE
BECHUANALAND PROTECTORATE, AND SWAZILAND

PUBLISHED BY AUTHORITY OF HIS EXCELLENCY THE HIGH COMMISSIONER.

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PRETORIA, FRIDAY, 8 SEPTEMBER, 1939

[No. 2008.]

No. 31 of 1939.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is deemed expedient to amend the law relating to the regulation of railways within the Bechuanaland Protectorate:

Now therefore under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

New section substituted for section 22 of Act No. 19 of 1861 of the Cape Colony.

1. Section *twenty-two* of the Regulation of Railways Act, 1861 (Act No. 19 of 1861), of the Cape Colony, as applied to the Bechuanaland Protectorate by section *nine* of Proclamation No. 25 of 1896, is hereby repealed, and the following section shall be read in lieu thereof:—

“22. Every Railway Administration and company shall manage, regulate, work and use its railway and every portion thereof in a proper and safe manner for the conveyance of passengers, animals, minerals, goods, merchandise and all other traffic whatsoever on the railway, and the reception, accommodation and delivery of all traffic whatsoever, and the reception and transmission by the electric telegraph and delivery of messages, and in all other respects duly keep the same open for the convenient and safe use thereof by the public.”

Short title and commencement.

2. This Proclamation may be cited as the Bechuanaland Protectorate Regulation of Railways (Amendment) Proclamation, 1939, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-ninth day of August, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 32 of 1939.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to fix the rates of income tax and supertax to be levied in Basutoland in respect of the twelve months ended on the thirtieth day of June, 1939:

Now therefore under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

1. In terms of sub-section (3) of section *five* of the Basutoland Income Tax Proclamation, 1920, as amended (hereinafter referred to as the “principal law”), the rates of income tax to be levied in respect of the year ended on the thirtieth day of June, 1939, shall be the rates specified in paragraphs (a) and (b) of section *two* of the Basutoland Income Tax Proclamation, 1932: Rates of income tax for 1938-39.
Provided that the amounts arrived at by calculation in accordance with the provisions of paragraph (b) of section *two* abovementioned shall in the case of persons other than companies be subject to a rebate of twenty per centum.

(2) Without prejudice to the generality of the powers conferred by the preceding sub-section, Defence Regulations may, so far as appears to the High Commissioner to be necessary or expedient for any of the purposes mentioned in that sub-section—

(a) make provision for the apprehension, trial and punishment of persons offending against the Regulations, and for the detention of persons whose detention appears to the High Commissioner to be expedient in the interests of the public safety or the defence of the Territory;

(b) authorise—

(i) the taking of possession or control, on behalf of His Majesty, of any property or undertaking;

(ii) the acquisition, on behalf of His Majesty, of any property other than land;

(c) authorise the entering and search of any premises.

(3) Defence Regulations may provide for empowering such authorities, persons or classes of persons as may be specified in the Regulations to make orders, rules and by-laws for any of the purposes for which such Regulations are authorised by this Proclamation to be made, and may contain such incidental and supplementary provisions as appear to the High Commissioner to be necessary or expedient for the purposes of the Regulations.

(4) A Defence Regulation, and any order, rule or byelaw duly made in pursuance of such a Regulation, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Proclamation or in any instrument having effect by virtue of any enactment other than this Proclamation.

Punishment in certain cases of treason.

2. Where any person is convicted of treason on the ground that he has been adherent to the King's enemies, giving them aid and comfort, the court may, instead of passing on him the sentence of death by hanging prescribed by section *two hundred and eighty-six* (1) of the Bechuanaland Protectorate Criminal Procedure and Evidence Proclamation, 1938, sentence him to be put to death by shooting; and the court by which any person is sentenced to death under this section may give such directions as the court thinks proper with respect to the custody of that person pending the execution of the sentence, and with respect to the manner in which the sentence is to be executed.

Hearing of proceedings in camera.

3. (1) If, as respects any proceedings before a court (whether instituted before or after the commencement of this Proclamation), the court is satisfied that it is expedient, in the interests of the public safety or the defence of the Territory so to do, the court—

(a) may give directions that, throughout, or during any part of, the proceedings, such persons or classes of persons as the court may determine shall be excluded;

(b) may give directions prohibiting or restricting the disclosure of information with respect to the proceedings.

The powers conferred by this sub-section shall be in addition to, and not in derogation of, any other powers which a court may have to give such directions as aforesaid.

(2) If any person contravenes any directions given by a court under the preceding sub-section, then, without prejudice to the law relating to contempt of court, he shall be liable, on conviction before a Subordinate Court, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

4. Every document purporting to be an instrument made or issued by the High Commissioner or other authority or person in pursuance of any provision contained in, or having effect under, Defence Regulations, and to be signed by or on behalf of the said High Commissioner, authority or person, shall be received on evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that High Commissioner, authority or person.

Proof of instruments.

5. The powers conferred by or under this Proclamation shall be in addition to, and not in derogation of, the powers exercisable by virtue of the prerogative of the Crown.

Saving of prerogative powers.

6. This Proclamation may be cited as the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939, and shall be deemed to have come into operation on the fourth day of September, nineteen hundred and thirty-nine.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 37 of 1939.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to make provision for purposes connected with the defence of Swaziland (hereinafter referred to as "the Territory") in any War in which His Majesty the King may be engaged:

Now therefore under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council, 1903, as amended by the Swaziland Order in Council, 1906, and the Swaziland Order in Council, 1909, I do hereby declare, proclaim and make known as follows:—

1. (1) Subject to the provisions of this section, the High Commissioner may by Notice in the *Gazette* make such Regulations (in this Proclamation referred to as "Defence Regulations") as appear to him to be necessary or expedient for securing the public safety, the defence of the Territory, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community.

Defence Regulations.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, Defence Regulations may, so far as appears to the High Commissioner to be necessary or expedient for any of the purposes mentioned in that subsection—

(a) make provision for the apprehension, trial and punishment of persons offending against the Regulations, and for the detention of persons whose detention appears to the High Commissioner to be expedient in the interests of the public safety or the defence of the Territory;

(b) authorise—

(i) the taking of possession or control, on behalf of His Majesty, of any property or undertaking;

(ii) the acquisition, on behalf of His Majesty, of any property other than land;

(c) authorise the entering and search of any premises.

(3) Defence Regulations may provide for empowering such authorities, persons or classes of persons as may be specified in the Regulations to make orders, rules and by-laws for any of the purposes for which such Regulations are authorised by this Proclamation to be made, and may contain such incidental and supplementary provisions as appear to the High Commissioner to be necessary or expedient for the purposes of the Regulations.

(4) A Defence Regulation, and any order, rule or bylaw duly made in pursuance of such a Regulation, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Proclamation or in any instrument having effect by virtue of any enactment other than this Proclamation.

The powers conferred by this subsection shall be in addition to, and not in derogation of, any other powers which a court may have to give such directions as aforesaid.

(2) If any person contravenes any directions given by a court under the preceding subsection, then, without prejudice to the law relating to contempt of court, he shall be liable, on conviction before a Subordinate Court, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

4. Every document purporting to be an instrument made or issued by the High Commissioner or other authority or person in pursuance of any provision contained in, or having effect under, Defence Regulations, and to be signed by or on behalf of the said High Commissioner, authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that High Commissioner, authority or person. Proof of instruments.

5. The powers conferred by or under this Proclamation shall be in addition to, and not in derogation of, the powers exercisable by virtue of the prerogative of the Crown. Saving of prerogative powers.

6. This Proclamation may be cited as the Swaziland Emergency Powers (Defence) Proclamation, 1939, and shall be deemed to have come into operation on the fourth day of September, nineteen hundred and thirty-nine.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 38 of 1939.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is deemed expedient to prohibit the exportation of warlike stores from Basutoland:

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. The exportation either directly or indirectly of warlike stores as defined in the Schedule to this Proclamation from any place within Basutoland, except under permit in writing issued by the Resident Commissioner, is prohibited until further notice. Prohibition of export of warlike stores.

2. It shall be lawful for any officer appointed by the Resident Commissioner or for any European member of a police force lawfully established in Basutoland to detain and examine any warlike stores or any packages or vehicles suspected of containing warlike stores for the purpose of enforcing the prohibition contained in the last preceding section. Powers of detention and examination.

Punishment in certain cases of treason.

2. Where any person is convicted of treason on the ground that he has been adherent to the King's enemies, giving them aid and comfort, the court may, instead of passing on him the sentence of death by hanging prescribed by section *two hundred and eighty-six* (1) of the Swaziland Criminal Procedure and Evidence Proclamation, 1938, sentence him to be put to death by shooting; and the court by which any person is sentenced to death under this section may give such directions as the court thinks proper with respect to the custody of that person pending the execution of the sentence, and with respect to the manner in which the sentence is to be executed.

Hearing of proceedings in camera.

3. (1) If, as respects any proceedings before a court (whether instituted before or after the commencement of this Proclamation), the court is satisfied that it is expedient, in the interests of the public safety or the defence of the Territory so to do, the court—

(a) may give directions that, throughout, or during any part of, the proceedings, such persons or classes of persons as the court may determine shall be excluded;

(b) may give directions prohibiting or restricting the disclosure of information with respect to the proceedings.

Penalties.

3. Any person who shall contravene or attempt to contravene the prohibition contained in section one of this Proclamation or who shall aid or abet any such contravention or attempted contravention, and any person who shall obstruct any officer or member of a police force in the exercise of his powers under section two of this Proclamation, shall be guilty of an offence and shall be liable, on conviction before a Subordinate Court of the First Class, to a fine not exceeding five hundred pounds and in default of payment to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Short title and commencement.

4. This Proclamation may be cited as the Basutoland Warlike Stores Exportation Proclamation, 1939, and shall have force and take effect from the fourth day of September, 1939.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

SCHEDULE.

Ammunition and projectiles, filled or empty, and component parts thereof.

Anti-gas respirators, and component parts thereof, anti-gas clothing, and other anti-gas apparatus and appliances.

Armour plates and bullet-proof plates.

Bayonets, daggers, lances and swords.

Bombs and grenades, and apparatus for projecting bombs or grenades, and component parts thereof.

Bridging materials, pontoons and folding boats, and component parts thereof.

Camp equipment of the following descriptions, namely, tents, portable or sectional sheds, field kitchens, field cookers, field ovens, field water tanks, portable forges, and component parts and accessories thereof.

Cannon and other ordnance, and component parts thereof.

Carriages and mountings for cannon and other ordnance, and component parts thereof.

Cartographic apparatus.

Charts, maps and plans of any place within the Territory of any belligerent or within the areas of military operations, on a scale of 4 miles to 1 inch or any larger scale, and aerial photographs of any such place, and reproductions, on any scale, of such charts, maps, plans or photographs.

Depth charges, apparatus for the discharge of depth charges, and component parts and accessories thereof.

Explosives and propellants.

Firearms, and component parts thereof.

Fire control and gun sighting apparatus, and component parts thereof.

Fire fighting appliances.

Flame-throwers, smoke-producing apparatus, gas projectors and other apparatus for projecting destructive agents used in chemical or incendiary warfare, and component parts and accessories thereof.

Flying clothing, electrically heated clothing and anti-incendiary clothing.

Hydrophones and under-water signalling or sound-detecting apparatus, and component parts thereof.

Machine guns, interrupter gears, and mountings for machine guns, and component parts thereof.

Military vehicles, and component parts thereof.

Mines, land or sea, and component parts thereof.

Mine cases, mine-control gear and mooring for mines, and component parts thereof.

Minelaying apparatus.

Minesweeping apparatus.

Naval, military and airforce uniforms and parts of uniform, and clothing and personal accoutrements of a distinctively naval, military or air force character.

Parachutes and parachute equipment, and component parts thereof.

Paravanes and net-cutters, and component parts and accessories thereof.

Pyrotechnic products and pyrotechnic apparatus.

Range-finders, height-finders, position-finders and predictors, and component parts and accessories thereof.

Searchlights and searchlight lamps, and component parts and accessories thereof.

Sound locators, and component parts and accessories thereof.

Tanks, armoured vehicles and armoured trains, and component parts thereof.

Torpedoes, and component parts thereof.

Torpedo tubes and other apparatus for discharging torpedoes, and component parts and accessories thereof.

War "gases" ("poison gas"), whether in gaseous, liquid or solid form.

Weapons and other war appliances, not elsewhere specified, and tools and implements designed for use in connection with weapons, ammunition or aircraft.

(Printed by the Government Printer, Pretoria.)

No. 39 of 1939.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to make provision for controlling the exportation of articles from Basutoland (hereinafter referred to as "the Territory"):

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. (1) The High Commissioner may from time to time by Notice in the *Gazette* prohibit the exportation from the Territory, either generally or to particular countries or territories, of any articles specified in the Notice, save in accordance with permission for such exportation granted under this section.

Powers of High Commissioner.

(2) The Resident Commissioner and any officer authorised thereto by him may grant to any person permission in writing to export articles of which the exportation has been prohibited under this section in such quantities and subject to such conditions as may be stated in the permission.

Powers of Resident Commissioner.

2. (1) It shall be lawful for any officer appointed by the Resident Commissioner or for any European member of a police force lawfully established in the Territory to detain any article the exportation of which is prohibited or restricted under this Proclamation or any package suspected of containing such articles if it appears necessary to do so for the purpose of enforcing such prohibition or restriction and to examine any such package.

Powers to detain and examine articles.

(2) Every officer of Customs shall for the purpose of enforcing such prohibition or restriction be entitled to exercise any power

with which he is invested for the protection of the revenue under any Customs law in force in the Territory.

Penalties.

3. (1) Any person who shall contravene or attempt to contravene any prohibition or restriction imposed under section one of this Proclamation or who shall aid or abet any such contravention or attempted contravention, and any person who shall obstruct any officer or member of a police force in the exercise of his powers under section two of this Proclamation, shall be guilty of an offence, and shall be liable, on conviction before a Subordinate Court of the First Class, to a fine not exceeding five hundred pounds, and in default of payment to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Forfeiture of articles illegally imported.

(2) Any articles which any person may attempt to export from the Territory in contravention of this Proclamation may by order of the court before which such person is convicted be declared to be forfeited, but such forfeiture shall not be taken to affect or remove any other fine or punishment which may be incurred under this or any other law in force at the time of such forfeiture.

Burden of proof.

4. In any prosecution under this Proclamation the burden of proving that due permission authorising the exportation of the articles charged has been obtained shall be upon the accused.

Definition.

5. The term "article" as used in this Proclamation shall include any animal or thing of any description whatsoever.

Short title and commencement.

6. This Proclamation may be cited as the Basutoland Exportation Restriction Proclamation, 1939, and shall have force and take effect from the fourth day of September, 1939.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 40 of 1939.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to make provision prohibiting persons resident, carrying on business or being in the Bechuanaland Protectorate (hereinafter referred to as "the Territory" from trading or having commercial, financial or other intercourse with the enemy:

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

TRADING WITH THE ENEMY AND MATTERS RELATING THERETO.

Penalties for trading with the enemy.

1. (1) Any person who trades with the enemy within the meaning of this Proclamation shall be guilty of an offence of trading with the enemy, and shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine or to both such imprisonment and a fine, or

(b) on conviction before a Subordinate Court, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine;

and the court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited.

(2) For the purposes of this Proclamation a person shall be deemed to have traded with the enemy—

(a) if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—

(i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory, or

(ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory, or

(iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of this Proclamation; or

(b) if he has done anything which, under the following provisions of this Proclamation, is to be treated as trading with the enemy:

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

(i) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, the High Commissioner,

(ii) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy.

(3) Any reference in this section to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(4) A prosecution for an offence of trading with the enemy shall not be instituted in the Territory except by or with the consent of the Attorney General for His Majesty's High Commission Territories:

Provided that this subsection 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 a prosecution for the offence has not been obtained.

2. (1) Subject to the provisions of this section, the expression "enemy" for the purposes of this Proclamation means—

- (a) any State, or Sovereign of a State, at war with His Majesty,
- (b) any individual resident in enemy territory,
- (c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty;

but does not include any person by reason only that he is an enemy subject.

(2) The High Commissioner with the prior approval of the Secretary of State may by Notice in the *Gazette* direct that any person specified in the Notice shall, for the purposes of this Proclamation, be deemed to be, while so specified, an enemy.

Inspection
and
supervision
of
businesses.

3. (1) The Resident Commissioner, if he thinks it expedient for securing compliance with section one of this Proclamation so to do, may by written order authorise a specified person (hereafter in this section referred to as "an inspector") to inspect any books or documents belonging to, or under the control of, a person named in the order, and to require that person and any other person to give such information in his possession with respect to any business carried on by the named person as the inspector may demand, and for the purposes aforesaid to enter on any premises used for the purposes of that business.

(2) If, on a report made by an inspector as respects any business, it appears to the Resident Commissioner that it is expedient, for securing compliance with section one of this Proclamation, that the business should be subject to supervision, the Resident Commissioner may appoint a person (hereafter in this section referred to as "a supervisor") to supervise the business, with such powers as the Resident Commissioner may determine.

(3) If any person, without reasonable cause, fails to produce for inspection, or furnish, to an inspector or a supervisor any document or information which he is duly requested by the inspector or supervisor so to produce or furnish, that person shall be liable, on conviction before a Subordinate Court, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) If any person, with intent to evade the provisions of this section, destroys, mutilates or defaces any book or other document which an inspector or a supervisor is or may be authorised under this section to inspect, that person shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both such imprisonment and a fine, or
- (b) on conviction before a Subordinate Court, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

4. (1) No assignment of a chose in action made by or on behalf of an enemy shall, except with the sanction of the High Commissioner, be effective so as to confer on any person any rights or remedies in respect of the chose in action; and neither a transfer of a negotiable instrument by or on behalf of an enemy, nor any subsequent transfer thereof, shall, except with the sanction of the High Commissioner, be effective so as to confer any rights or remedies against any party to the instrument.

Transfer of
negotiable
instruments
and choses
in action by
enemies.

(2) The preceding subsection shall apply in relation to any transfer of any coupon or other security transferable by delivery, not being a negotiable instrument, as it applies in relation to any assignment of a chose in action.

(3) If any person by payment or otherwise purports to discharge any liability from which he is relieved by this section, knowing the facts by virtue of which he is so relieved, he shall be deemed to have thereby traded with the enemy:

Provided that in any proceedings for an offence of trading with the enemy which are taken by virtue of this subsection it shall be a defence for the defendant to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being either a court having jurisdiction in the Territory or a court of a State at war with His Majesty, and would be enforced against him by such an order.

(4) Where a claim in respect of a negotiable instrument or chose in action is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would be thereby committing an offence of trading with the enemy, that person may pay into the High Court any sum which, but for the provisions of subsection (1) of this section, would be due in respect of the claim, and thereupon that sum shall, subject to rules of court, be dealt with according to any order of the court, and the payment shall for all purposes be a good discharge to that person.

(5) Nothing in this section shall apply to securities to which the next following section applies.

5. (1) If—

- (a) any securities to which this section applies are transferred by or on behalf of an enemy, or
- (b) any such securities, being securities issued by a joint-stock company within the meaning of the Cape Joint-Stock Companies Limited Liability Act (No. 23 of 1861) are allotted or transferred to, or for the benefit of, an enemy subject without the consent of the High Commissioner;

Transfer
and
allotment
of
securities.

then, except with the sanction of the High Commissioner, the transferee or allottee shall not, by virtue of the transfer or allotment, have any rights or remedies in respect of the securities; and no body corporate by whom the securities were issued or are managed shall take any cognisance of, or otherwise act upon, any such transfer except under the authority of the High Commissioner.

(2) No share warrants, stock certificates or bonds, being warrants, certificates or bonds payable to bearer, shall be issued in respect of any securities to which this section applies, being securities registered or inscribed in the name of an enemy or of a person acting on behalf of, or for the benefit of, an enemy.

(3) Any person who contravenes the provisions of this section shall be liable, on conviction before a Subordinate Court, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) This section applies to the following securities, that is to say, annuities, stock, shares, bonds, debentures or debenture stock registered or inscribed in any register, branch register or other book kept in the Territory.

Purchase
of enemy
currency.

6. (1) Purchasing enemy currency shall be treated as trading with the enemy.

(2) In this section the expression "enemy currency" means any such notes or coins as circulate as currency in any area under the sovereignty of a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, or any such other notes or coins as are for the time being declared by an order of the Treasury to be enemy currency.

GENERAL AND SUPPLEMENTARY PROVISIONS.

False
statements
and
obstruc-
tion.

7. (1) If any person, for the purpose of obtaining any authority or sanction under this Proclamation, or in giving any information for the purposes of this Proclamation or of any order made thereunder, knowingly or recklessly makes a statement which is false in a material particular, he shall be liable on conviction before a Subordinate Court to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(2) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by or under this Proclamation shall be liable on conviction before a Subordinate Court to a fine not exceeding fifty pounds.

Offences by
corpora-
tions.

8. Where any offence under this Proclamation committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Expenses
of and
exercise of
powers by
the High
Commissioner
or Resident
Commissioner.

9. (1) The expenses incurred for the purposes of this Proclamation by the High Commissioner shall be defrayed out of the revenues of the Protectorate.

(2) Anything required or authorised under this Proclamation to be done by, to or before the High Commissioner or Resident Commissioner may be done by, to or before any person authorised in that behalf by the High Commissioner or Resident Commissioner, as the case may be.

Evidence of
authority
or sanction
of Secretary
of State,
High Com-
missioner,
or Resident
Com-
missioner.

10. Any document stating that any authority or sanction is given under any of the provisions of this Proclamation by a Secretary of State or the High Commissioner or Resident Commissioner, and purporting to be signed on behalf of the Secretary of State, the High Commissioner or the Resident Commissioner, or by a person who is empowered by this Proclamation to do anything which may be done thereunder by the High Commissioner or Resident Commissioner, shall be evidence of the facts stated in the document.

11. (1) In this Proclamation the following expressions have the meanings hereby respectively assigned to them:—

Inter-
pretation.

"enemy subject" means—

- (a) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State; and

"enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

(2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Proclamation, be conclusive evidence of the facts stated in the certificate.

(3) In considering for the purposes of any of the provisions of this Proclamation whether any person has been an enemy or an enemy subject, no account shall be taken of any state of affairs existing before the commencement of this Proclamation.

(4) For the purposes of this Proclamation, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called; and, for the purposes of the provisions of this Proclamation relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act:

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

(5) Any power conferred by the preceding provisions of this Proclamation to make an order shall be construed as including a power, exercisable in the like manner, to vary or revoke the order.

12. This Proclamation shall be without prejudice to the exercise of any right or prerogative of the Crown.

Saving of
rights of
Crown.

13. (1) This Proclamation may be cited as the Bechuanaland Protectorate Trading with the Enemy Proclamation, 1939, and shall have force and take effect from the fourth day of September, 1939.

Short title,
commence-
ment and
repeal.

Provided that a person shall not, by virtue of this sub-section, be liable to any penalty in respect of anything done by him before the date of commencement of this Proclamation which, if it had been done in England, would not have been unlawful in common law.

(2) The Proclamations mentioned in the Schedule to this Proclamation and the notices issued thereunder are hereby repealed.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

SCHEDULE.

PROCLAMATIONS REPEALED.

1914.	No. 69.....	The Bechuanaland Protectorate Trading with the Enemy Proclamation, 1914.
	No. 88.....	The Bechuanaland Protectorate Trading with the Enemy (Turkey) Proclamation, 1914.
1915.	No. 12.....	The Bechuanaland Protectorate Trading with the Enemy (Occupied Territory) Proclamation, 1915.
	No. 23.....	The Bechuanaland Protectorate Trading with the Enemy (Amending) Proclamation, 1915.
	No. 35.....	The Bechuanaland Protectorate Trading with the Enemy (Amending) Proclamation, 1915.
	No. 48.....	The Bechuanaland Protectorate Trading with the Enemy (Bulgaria) Proclamation, 1915.
1919.	No. 35.....	The Bechuanaland Protectorate Trading with the Enemy (No. 1 Amending) Proclamation, 1919.
	No. 36.....	The Bechuanaland Protectorate Trading with the Enemy (No. 2 Amending) Proclamation, 1919.
	No. 37.....	The Bechuanaland Protectorate Trading with the Enemy (No. 3 Amending) Proclamation, 1919.
1923.	No. 62.....	The Bechuanaland Protectorate Trading with the Enemy (Turkey) Proclamation, 1923.

(Printed by the Government Printer, Pretoria.)

No. 41 of 1939.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to make provision for controlling the exportation of articles from and the importation of articles into the Bechuanaland Protectorate (hereinafter referred to as "the Territory"):

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

Powers of High Commissioner.

1. (1) The High Commissioner may from time to time by Notice in the *Gazette* prohibit—

- (a) the exportation from the Territory, either generally or to particular countries or territories, of any articles specified in the Notice, or
- (b) the importation into the Territory, either generally or from particular countries or territories, of any articles specified in the Notice,

save in accordance with permission for such exportation or importation granted under this section.

Powers of Resident Commissioner.

(2) The Resident Commissioner and any officer authorised thereto by him may grant to any person permission in writing to export or import articles of which the exportation or importation has been prohibited under this section in such quantities and subject to such conditions as may be stated in the permission.

2. (1) It shall be lawful for any officer appointed by the Resident Commissioner or for any European member of a police force lawfully established in the Territory to detain any articles the exportation or importation of which is prohibited or restricted under this Proclamation or any package suspected of containing such articles if it appears necessary to do so for the purpose of enforcing such prohibition or restriction and to examine any such package.

Power to detain and examine articles.

(2) Every officer of Customs shall for the purpose of enforcing such prohibition or restriction be entitled to exercise any power with which he is invested for the protection of the revenue under any Customs law in force in the Territory.

3. (1) Any person who shall contravene or attempt to contravene any prohibition or restriction imposed under section one of this Proclamation or who shall aid or abet any such contravention or attempted contravention, and any person who shall obstruct any officer or member of a police force in the exercise of his powers under section two of this Proclamation, shall be guilty of an offence, and shall be liable, on conviction before a Subordinate Court of the First Class, to a fine not exceeding five hundred pounds, and in default of payment to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Penalties.

(2) Any articles imported into the Territory in contravention of this Proclamation shall be forfeited to the Resident Commissioner and any articles which any person may attempt to export from the Territory in contravention of this Proclamation may by order of the court before which such person is convicted be declared to be so forfeited, but such forfeiture shall not be taken to affect or remove any other fine or punishment which may be incurred under this or any other law in force at the time of forfeiture.

Forfeiture of articles illegally imported.

4. In any prosecution under this Proclamation the burden of proving that due permission authorising the exportation or importation of the articles charged has been obtained shall be upon the accused.

Burden of proof.

5. The term "article" as used in this Proclamation shall include any animal or thing of any description whatsoever.

Definition.

6. This Proclamation may be cited as the Bechuanaland Protectorate Exportation and Importation Restriction Proclamation, 1939, and shall have force and take effect from the fourth day of September, 1939.

Short title and commencement.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 42 of 1939.]

PROCLAMATION

By His Excellency The High Commissioner.

Whereas it is expedient to provide for the better control of the property of persons who are enemies or of enemy nationality in the Bechuanaland Protectorate (hereinafter referred to as "the Territory") and for the collection of information as to the property of such persons held by persons in the Territory, and as to debts due from persons residing in the Territory to persons in enemy territory; and further to regulate trading with persons or bodies of persons of enemy nationality or association;

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

Appointment, powers and duties of Custodian of enemy property.

1. (1) The High Commissioner shall appoint an officer in the Territory to act as Custodian of enemy property (hereinafter referred to as "the Custodian") for the purpose of receiving, holding, preserving and dealing with such property as may be paid to or vested in him in pursuance of this Proclamation and of collecting and registering the information referred to in this Proclamation.

(2) The Custodian shall have such powers and duties with respect to the property so paid to or vested in him as may be prescribed by regulations made under this Proclamation.

(3) The Custodian may place on deposit with any bank or invest in any securities approved by the Resident Commissioner any moneys paid to him under this Proclamation or received by him from property vested in him under this Proclamation, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the Resident Commissioner may direct.

Duty of residents to furnish information in certain cases, and penalties for failing to do so.

2. Any person residing in the Territory who holds or manages for and on behalf of an enemy or enemy subject any property, or who is indebted to any enemy in an amount of ten pounds or more, shall within one month after the commencement of this Proclamation, or if the property comes into his possession or under his control or the debt becomes due after such date then within one month after the time when it comes into his possession or under his control or the debt becomes due, by notice in writing communicate the fact to the Custodian and shall furnish the Custodian with such particulars in relation thereto as he may require, and if any person fails so to do he shall, on conviction before a Subordinate Court, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in addition to a further fine not exceeding five pounds for every day during which the default continues, and in default of payment of any such fine to a further period of imprisonment not exceeding six months.

Duty of enemy subjects within the Territory to furnish particulars if so required, and penalties for failing to do so.

3. It shall be the duty of every enemy subject who is within the Territory if so required by the Custodian, within one month after being so required, to furnish the Custodian with such particulars as to—

- (a) any stocks, shares, debentures, or other securities issued by any company, Government, municipal or other authority held by him or in which he is interested; and
- (b) any other property of the value of fifty pounds or upwards belonging to him or in which he is pecuniarily interested,

as the Custodian may require, and if he fails to do so he shall, on conviction before a Subordinate Court, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in addition to a further fine not exceeding five pounds for every day during which the default continues.

4. (1) The High Court of the Territory may, on the application of any person who appears to the Court to be a creditor of an enemy or enemy subject or entitled to recover damages against an enemy or enemy subject, or to be interested in any property belonging to or held or managed for or on behalf of an enemy or enemy subject, or on the application of the Custodian, by order vest in the Custodian any such property, if the Court is satisfied that such vesting is expedient for the purposes of this Proclamation, and may by the order confer upon the Custodian such powers of selling, managing and otherwise dealing with the property as to the Court may seem proper.

Powers of High Court to vest property in, and confer powers upon, the Custodian.

(2) The Court before making any order under this section may direct that such notices (if any), whether by way of advertisement or otherwise, shall be given as the Court may think fit.

(3) Any person acting in pursuance of any order granted under sub-section (1) of this section shall be held perpetually indemnified from all liability to any person whatsoever claiming to have any right, title or interest in respect of any property the subject of such order, and it shall not be necessary for such person to enquire into or to be concerned with the propriety of any such order or to enquire whether the Court had jurisdiction or power to make the same.

(4) Any application made under this section may at any time when the High Court is not sitting be dealt with by the Court of the Assistant Resident Commissioner under the provisions of section eleven of the Bechuanaland Protectorate High Court Proclamation, 1938.

Powers of Assistant Resident Commissioner.

5. In any case in which it appears to him advisable that any debt due to an enemy be paid to him, the Custodian may demand that it be so paid, and when such demand is made the debtor shall pay the sum so demanded, and the receipt of the Custodian shall be a full acquittance. Failure to comply with any such demand shall render the debtor liable to the penalties provided in section three.

Custodian may demand payment of debts due to enemies.

6. (1) The Custodian shall, except so far as the High Court may otherwise direct, and subject to the provisions of the next succeeding sub-section, hold any money paid to and any property vested in him under this Proclamation until the termination of the present war, and shall thereafter deal with the same in such manner as the High Commissioner may by Proclamation or otherwise direct.

Custodian may hold money and property vested in him until termination of war.

(2) The property held by the Custodian under this Proclamation shall not be liable to be attached or otherwise taken in execution, but the Custodian may, if so authorised by an order of the Court or if for the benefit of the owner of the property or for of his dependents by order of the Resident Commissioner, pay out of the property held by him in respect of any person the whole or any part of the property specified in the order:

Such property not liable to attachment.

Provided that before paying any such debt the Custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy or enemy subject in question to satisfy that debt and any other claims against that enemy or enemy subject of which notice verified by affidavit may have been served upon him.

(3) The receipt of the Custodian or any person duly authorised to sign receipts on his behalf for any sum paid to him under this Proclamation shall be a good discharge to the person paying the same as against the person or body of persons in respect of which the sum was paid to the Custodian.

(4) The Custodian shall keep a register of all property held by him under this Proclamation.

Custodian:
Further
powers.

7. (1) Should the Custodian have reason to believe that any person whose duty it is to supply information under this Proclamation has such information in his possession and has failed to supply it, the Custodian may in writing under his hand appoint any other person to examine the books, papers and premises of such person.

(2) Any person in any way wilfully obstructing the person appointed by the Custodian to make any search or enquiry, or failing to give reasonable information, shall be liable, on conviction before a Subordinate Court, to a fine of fifty pounds, or to imprisonment for a period of one month on failure to pay any fine imposed.

Property,
etc., in
enemy
territory.

8. (1) From and after the commencement of this Proclamation every British subject within the Territory who is entitled to any property or interest in property situate in enemy territory, or who has any claim against any person, firm, company, or corporation residing or carrying on business in enemy territory, or any Government or public authority therein, shall notify the Custodian thereof and shall within one month after being required to do so by him furnish to him such particulars of the property or claim as he may prescribe.

(2) For the purposes of this section "enemy territory" shall include any territory occupied by forces of His Majesty's enemies.

Definitions.

9. In this Proclamation, unless the context otherwise requires—

"enemy subject" means—

- (a) an individual who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State;

"enemy" means—

- (a) any State, or Sovereign of a State, at war with His Majesty;
- (b) any individual resident in enemy territory;
- (c) any body of persons (whether corporate or incorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty,

but does not include any person by reason only that he is an enemy subject;

"enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty;

"property" means property movable or immovable and includes any rights whether vested or contingent in or arising out of property movable or immovable and any balances or deposits standing to the credit of any person at any bank.

10. The High Commissioner may by Notice in the *Gazette* from time to time make, alter and revoke regulations not inconsistent with this Proclamation further defining the powers and duties of the Custodian and for the better carrying out of the provisions of this Proclamation.

High Com-
missioner
may make
regulations
defining the
powers and
duties of
the
Custodian.

11. (1) The High Commissioner may publish in the *Gazette* a list of persons or bodies of persons not resident or carrying on business in enemy territory (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's dominions), whenever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to him expedient so to do and may from time to time add to or vary such list.

High Com-
missioner
may
publish
lists of
persons not
to be
traded
with.

(2) From and after the publication of any such list all persons or bodies of persons incorporated or unincorporated resident, carrying on business or being in the Territory who shall trade with any persons or bodies of persons mentioned in such list shall be guilty of an offence, and shall be liable on conviction to the penalties prescribed for the offence of trading with the enemy under the Bechuanaland Protectorate Trading with the Enemy Proclamation, 1939.

Penalties.

(3) The provisions of any Proclamation in force in the Territory relating to trading with the enemy shall, subject to such exceptions and adaptations (if any) as may be prescribed by Notice in the *Gazette*, apply in respect of such persons and bodies of persons as aforesaid, as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and the provisions of this Proclamation shall apply as if for references to enemies there were substituted references to such persons and bodies of persons as aforesaid.

(4) For the purposes of this section, a person shall be deemed to have traded with a person or body of persons included in a list published under the provisions of this section if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of such a person or body of persons, which, if entered into or done with, to, on behalf of, or for the benefit of any enemy would be trading with the enemy within the meaning of the Bechuanaland Protectorate Trading with the Enemy Proclamation, 1939.

(5) Nothing in this section contained shall be deemed to prohibit any person or body of persons incorporated or unincorporated resident, carrying on business or being in the Territory from entering into any transaction or doing any act which shall be permitted by licence of the High Commissioner or other authority competent to grant such licence, whether such licence be specially granted to an individual or be announced as applying to classes of persons.

Repeal. 12. The Proclamations mentioned in the Schedule to this Proclamation and the Notices issued thereunder are hereby repealed.

Short title and commencement. 13. This Proclamation may be cited as the Bechuanaland Protectorate Enemy Property and Trade Regulation Proclamation, 1939, and shall have force and take effect from the fourth day of September, 1939.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

SCHEDULE.

PROCLAMATIONS REPEALED.

1916.
No. 45..... The Bechuanaland Protectorate Enemy Property and Trade Regulation Proclamation.
1918.
No. 21..... The Bechuanaland Protectorate Enemy Property and Trade Regulation Amending Proclamation.
1921.
No. 15..... The Bechuanaland Protectorate Enemy Property and Trade Regulation Amending Proclamation.
1922.
No. 9..... The Bechuanaland Protectorate Enemy Property (Custodian Direction) Proclamation.

(Printed by the Government Printer, Pretoria.)

BASUTOLAND.

HIGH COMMISSIONER'S NOTICE

No. 147 OF 1939.

It is hereby notified for general information that, in terms of section *seven* of the Basutoland Marriage Proclamation, 1911, His Excellency the High Commissioner has been pleased to appoint the Reverend Gabriel Armand Berthoud of the Paris Evangelical Missionary Society to be a Marriage Officer under the said Proclamation for the solemnization of marriages within Basutoland.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 5th September, 1939.

BASUTOLAND.

HIGH COMMISSIONER'S NOTICE

No. 148 OF 1939.

It is hereby notified for general information that, under and by virtue of the powers vested in him by section *one* of the Basutoland Emergency Powers (Defence) Proclamation, 1939, His Excellency the High Commissioner has been pleased to make the following Regulations.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 4th September, 1939.

CHAPTER I.

Short Title and Commencement.

1. These Regulations may be cited as the Basutoland Defence Regulations, 1939, and shall come into operation on the fourth day of September, 1939.

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires—

“postal article” has the same meaning as in the Post Office Proclamation, No. 27 of 1916;

“vehicle” means any vehicle self-propelled by mechanical power and any animal drawn vehicle;

“authorised officer” means any police officer or officer authorised by warrant under the hand of the Resident Commissioner;

“competent authority” means the Resident Commissioner or person acting in that capacity;

“aircraft” means any aeroplane, air frame or aero-engine or any part thereof or any article suitable for use in connection with aircraft;

“District Commissioner” means an administrative officer in charge of any district or sub-district;

“ammunition” means any cartridge, gunpowder, explosive or explosive projectile;

“enemy alien” means a person who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty;

“essential services” means such services as may for the time being be declared by order of the Resident Commissioner to be of public utility or to be essential for the prosecution of the war or essential to the life of the community;

“police officer” means any European police officer;

“photographs” includes any photographic plates, photographic films or other sensitised articles which have been exposed in a camera, whether they have been developed or not;

“telegram” means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

“the war” means any war in which His Majesty may be engaged;

“war offence” means—

(a) treason, in so far as it consists in adhering to the King's enemies, giving them aid and comfort;

(b) an offence of trading with the enemy;

(c) an offence under any of the provisions of the Official Secrets Acts, 1911 and 1920;

(d) an offence against any of these Regulations;

(e) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any offences specified in paragraphs (a) to (d) of this definition;

“wireless transmitting apparatus” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and “wireless receiving apparatus” means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these Regulations to the driver of a vehicle or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vehicle or aircraft, as the case may be.

(3) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these Regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(4) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation, as amended by any subsequent Regulations made under the Basutoland Emergency Powers (Defence) Proclamation, 1939.

CHAPTER II.

Censorship and the Control and Suppression of publications, writings, maps, plans, photographs, communications and means of communication.

Appointment of Censor and Censorship.

1. (1) The Resident Commissioner may appoint a censor of postal matter and telegrams and such number of assistant and deputy assistant censors as he shall think fit, and the word censor in these Regulations includes any assistant censor so appointed.

(2) The Resident Commissioner may by warrant under his hand authorise any Postmaster and any person in charge of telegraph and radio stations to detain and produce to the censor all postal articles and telegrams coming into their possession either for transmission or delivery.

(3) The censor, or any person authorised by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal article or telegram of any description whatsoever which may be in course of, or intended for, transmission to, from, or through any person within or without Basutoland.

(4) Any person who without lawful authority transmits any telegram at any place in Basutoland unless such telegram has first been passed for transmission by the censor is guilty of an offence against these Regulations.

Postal Communications.

2. (1) The Resident Commissioner may make provision by order for securing that postal articles of any such description as may be specified in the order shall not be despatched by post from Basutoland to destinations outside Basutoland, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal articles, direct that no postal article of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

(2) The Resident Commissioner may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Basutoland to any destination outside Basutoland otherwise than by post, or conveyed into Basutoland otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to enter any vehicle or aircraft at any place in Basutoland for the purpose of leaving Basutoland, or lands from any vehicle or aircraft at any place on coming to Basutoland, (which person is hereafter in this paragraph referred to as "the traveller"), shall, if requested so to do by an authorised officer,—

- (a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;
- (b) produce any such article as aforesaid which he has with him;

and an authorised officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the authorised officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorised officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where, at any place in Basutoland, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person entering thereat a vehicle or aircraft for the purpose of leaving Basutoland, or landing thereat from a vehicle or aircraft on coming to Basutoland, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found, as they apply in relation to a person about to enter a vehicle or aircraft for the purpose of leaving Basutoland; and where any person is on any occasion found travelling in Basutoland to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would if, when so found, he had been about to enter a vehicle or aircraft for the purpose of leaving Basutoland.

Where there is declared or produced to the authorised officer in compliance with this Regulation, or discovered by the authorised officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take, such steps (including subsection of the article to the process of development) as may be reasonably necessary for enabling the authorised officer to ascertain whether or not it has been so exposed.

Wireless Telegraphy, etc.

3. (1) The Resident Commissioner may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

- (a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus.
- (b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the Resident Commissioner to be readily adaptable for the purpose of being so used:

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the provisions of the Basutoland Radio Proclamation, 1927, as amended, authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which such a licence was then in force.

(2) In any proceedings arising out of a contravention of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application has been made by him (for the first time) for the necessary permit in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any vehicle or aircraft, the driver of the vehicle or the pilot of the aircraft, as the case may be, shall each be guilty of an offence against this Regulation:

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(4) An authorised officer may, in relation to any vehicle or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under paragraph (3) of this Regulation relating to the vehicle or aircraft, or, where a contravention of such an order has occurred in the case of the vehicle or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(5) Notwithstanding anything in the Basutoland Radio Proclamation, 1927, the Resident Commissioner in his discretion may request the Postmaster-General to refuse to grant a licence under the said Proclamation or to revoke at any time a licence granted under that Proclamation.

Interference with Telegraphic Communications.

4. No person shall knowingly—

- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or
- (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Provided that this Regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police officer acting in the course of his duty as such.

Signalling to Foreign Aircraft.

5. No person shall, except with permission granted by or on behalf of the Resident Commissioner, make any signal (either visually or by means of sound or otherwise) to any foreign aircraft:

Provided that this Regulation shall not restrict the making of any signal by any servant of His Majesty acting in the course of his duty as such, or the making of any signal for the purpose of saving life or of regulating or aiding the navigation in the air of any aircraft other than an aircraft being used in the service of a Power at war with His Majesty.

Signalling Apparatus.

6. (1) Subject to any exemptions for which provision may be made by order of the Resident Commissioner no person shall, except with permission granted by a competent authority, have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to defence:

Provided that this Regulation shall not restrict the doing of anything by any servant of His Majesty or police officer acting in the course of his duty as such, and (without prejudice to Regulation No. 3) shall not apply—

- (a) in relation to any wireless transmitting apparatus, or
- (b) in relation to any apparatus forming part of the equipment of a vehicle or aircraft, being an apparatus which is required by law to be carried therein.

(2) In any proceedings arising out of a contravention of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permission in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

Pigeons.

7. (1) Subject as hereinafter provided, no live pigeons shall be imported into Basutoland except under the authority of a licence granted by the competent authority:

Provided that this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Subject as hereinafter provided, no person shall—

- (a) have in his possession or under his control, or liberate, any racing pigeon or homing pigeon except under the authority of a written permit granted by the competent authority.
- (b) knowingly kill, wound or take any such pigeon, or
- (c) remove or tamper with any article attached to such pigeon, being an article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information:

Provided that—

- (i) this paragraph shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police officer acting in the course of his duty as such; and
- (ii) nothing in sub-paragraphs (b) and (c) of this paragraph shall apply to anything done in relation to a pigeon by the person entitled to possession thereof or by any person acting on his behalf.

(3) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (2) of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the pigeons in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) With a view to the enforcement of this Regulation, any police officer may liberate any pigeons found by him at any place, and may enter any premises for the purpose of exercising his powers under this paragraph.

(5) Whenever any person finds dead or unable to fly, a racing pigeon or homing pigeon to which there is attached any article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information, he shall forthwith cause the pigeon to be delivered to the competent authority or any police officer:

Provided that nothing in this paragraph shall impose any obligation in respect of a pigeon upon any person, or the servant or agent of any person, who is entitled to have that pigeon in his possession or under his control by virtue of a permit granted under paragraph (2) of this Regulation.

Means of Secret Communication.

8. (1) Subject to the provisions of this Regulation no person shall, except with permission granted by the Resident Commissioner, knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside Basutoland—

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information;
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-section (a) of paragraph (1) of this Regulation, shall, if requested by or in behalf of the Resident Commissioner so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Resident Commissioner so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

(a) to the possession of—

- (i) any code or cipher the use of which is approved by the Resident Commissioner, or
- (ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(b) to the use, in accordance with conditions imposed by the Resident Commissioner, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph,

and shall not restrict the doing of anything by any servant of His Majesty or police officer acting in the course of his duty as such.

General Provisions for Safeguarding Information.

9. No person shall, in any manner likely to prejudice the defence of Basutoland, or the efficient prosecution of the war,—

- (1) obtain,
- (2) record, communicate to any other person or publish, or
- (3) have in his possession any document containing or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;
- (b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;
- (c) any measures for the defence or fortification of any place on behalf of His Majesty;
- (d) the number, description or location of any prisoners of war;
- (e) munitions of war;
- (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communication with Enemy Agents.

10. No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to public safety or to defence.

Photography, etc.

11. (1) Subject to any exemptions for which provision may be made by order of the Resident Commissioner no person shall, except under the authority of a written permit granted by the Resident Commissioner—

- (a) have a camera with him in any place in Basutoland to which the public have access, or
- (b) make any photograph, sketch, plan or other representation of any area, or of any part of or object in such area, which may be specified by the Resident Commissioner being an area in relation to which the restriction of photography appears to him to be expedient in the interests of public safety or of defence.

(2) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the time of the contravention application had been made by him (for the first time) for the necessary permit in relation to the camera in respect of which proceedings are taken, and that the application was still pending at that date.

(3) The Resident Commissioner may make such orders as he thinks necessary for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-paragraph (b) of paragraph (1) of this Regulation, shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and such person or authority may, if he thinks it necessary in the interests of public safety or defence so to do, retain or destroy or otherwise dispose of anything submitted as aforesaid.

(4) This Regulation shall not apply to anything done by any servant of His Majesty or police officer acting in the course of his duty as such.

Inventions and Designs.

12. (1) Where, either before or after the coming into force of this Regulation, an application has been made to the Resident Commissioner for the grant of a patent or the registration of a design, the Resident Commissioner, if satisfied that it is expedient in the interests of defence so to do, may omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by the Resident Commissioner, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Resident Commissioner, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown, the Resident Commissioner may authorise the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of defence or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative.

CHAPTER III.

MOVEMENTS AND ACTIVITIES OF PERSONS.

Restriction of Movements of Suspected Persons.

1. (1) The Resident Commissioner, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order for all or any of the following purposes, that is to say:—

- (a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in Basutoland as may be so specified;
- (b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

(2) If any person is in any area in contravention of an order made under this Regulation, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that area by any police officer or by any person authorised in that behalf by the Resident Commissioner.

Restriction Orders and Detention Orders.

2. (1) The Resident Commissioner, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order:—

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
 - (b) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions;
 - (c) directing that he be detained;
- and so long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions, as the Resident Commissioner may from time to time determine, and shall, while so detained, be deemed to be in legal custody.

(2) For the purposes of this Regulation, there shall be one or more advisory committees consisting of persons appointed by the Resident Commissioner, and the chairman of any such committee shall be a person who holds or has held judicial office.

(3) The functions of any such committee shall be to consider, and make recommendations to the Resident Commissioner with respect to, any objections against an order under this Regulation which are duly made to the committee by the person to whom the order relates.

(4) The Resident Commissioner may make rules as to the manner in which objections against such an order as aforesaid may be made to such an advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under this Regulation to make objections against the order either in person or by counsel, solicitor or agent; and every such person shall be informed of his right to make objections under this Regulation.

Interference with His Majesty's Forces, etc.

3. No person shall—

- (1) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or
- (2) do, in relation to any person whom he knows to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged.

Misleading Acts and Misrepresentations.

4. (1) No person shall—

- (a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or
- (b) do, in relation to any property any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose, or

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as "a protected place."

(2) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Resident Commissioner or by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

Protected Areas.

17. (1) Without prejudice to any other of these Regulations, the Resident Commissioner, if satisfied with respect to any area that it is necessary or expedient, in the interests of defence or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as "a protected area".

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorised officer.

Controlled Areas.

18. Without prejudice to any other of these Regulations the Resident Commissioner may, as respects—

- (a) any protected place or protected area, or
- (b) any place in relation to which it appears to the Resident Commissioner to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war,

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and a rule made in relation to any place by virtue of sub-paragraph (b) of this paragraph may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

Trespassing and Loitering.

19. (1) No person shall—

- (a) trespass on, or on premises in the vicinity of, any premises to which this Regulation primarily applies,
- (b) unlawfully enter or board any vehicle or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle or aircraft, or
- (c) trespass on premises in the vicinity of any protected place;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by an authorised officer from the premises or from the vehicle or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or defence, be in, or in the vicinity of, any premises to which this Regulation primarily applies or any such vehicle or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to public safety or defence.

(3) No person loitering in the vicinity of a protected place, of any premises to which this Regulation primarily applies, or of any such vehicle or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) The premises to which this Regulation primarily applies are premises used or appropriated—

- (a) for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy, or
- (b) for the performance of any essential services.

Control of Highways.

20. The Resident Commissioner, if he considers it necessary in the interests of defence so to do, may by order provide for the stopping up or diversion of any highway, and for prohibiting or restricting the exercise of any right of way.

CHAPTER IV.

Power to Stop and Search Vehicles.

1. (1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any police officer in uniform or by any member of His Majesty's forces being in uniform and on duty.

(2) If—

- (a) as respects any road vehicle being on a public highway or in a place to which the public have access, or
- (b) upon the overtaking of a road vehicle on any occasion on which the person driving, or in control of, the vehicle has been lawfully required to stop it but has failed to do so,

any police officer or member of His Majesty's forces has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of a war offence, he may search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

(3) In this Regulation the expression "road vehicle" means any vehicle designed or adapted for use on roads.

Evacuation of Areas.

2. (1) The Resident Commissioner may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons and

property from the dangers involved in such attack, make, as respects any area in Basutoland, either or both of the following orders, that is to say:—

- (a) an order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified;
- (b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be so specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as practicable, and that after that time no such things or animals shall be brought into the area except under such permission as aforesaid.

(2) An order made under paragraph (1) of this Regulation for the removal of persons or property from any area—

- (a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;
- (b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;
- (c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;
- (d) may make different provision in relation to different parts of the area;

and may contain such other incidental and supplementary provisions as appear to the Resident Commissioner to be necessary or expedient for the purposes of the order.

(3) Where an order is made under this Regulation requiring the removal of any animals or things from any area by a specified time, the Resident Commissioner may, while the order is in force, cause those animals or things, or any of them, to be removed from the area, if the Resident Commissioner is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this Regulation, then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any authorised officer.

(4) If any order made under this Regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this Regulation.

Accommodation for Persons who leave Places Exposed to Attack, or are otherwise rendered Homeless.

3. (1) If the Resident Commissioner is satisfied that it is necessary that special steps should be taken to provide accommodation for persons who have left or are likely to leave their homes in consequence of or in apprehension of attacks by the enemy, or who have become homeless in consequence of such attacks, he may appoint or authorise the appointment of persons to act under this Regulation subject to any general or special instructions of the Resident Commissioner; and any person acting in pursuance of an appointment under this paragraph may require the occupier of any premises to provide, subject to the following provisions of this Regulation, accommodation in those premises for such persons as the person so acting may assign thereto.

(2) The occupier of any premises shall, if requested so to do by a person acting in pursuance of an appointment under paragraph (1) of this Regulation, furnish to that person such information with respect to the accommodation contained in the premises, and with respect to the persons living therein, as he may require for the purposes of this Regulation.

(3) A person acting in pursuance of an appointment under paragraph (1) of this Regulation may revoke any requirement made under that paragraph with respect to the provision of accommodation in any premises for any person, and may direct that that person shall not thereafter be in those premises except with the consent of the occupier.

(4) The Resident Commissioner, if satisfied that it is no longer necessary that persons or any class of persons should continue to be provided under this Regulation with accommodation in any particular area, may by order—

- (a) revoke, as from a specified date, all requirements made under paragraph (1) of this Regulation with respect to the provision of accommodation for persons or for persons of that class, as the case may be, in the said area, and
- (b) direct that on and after that date no person, or, as the case may be, no person of that class, shall be in any premises in the said area to which he has been assigned under this Regulation, except with the consent of the occupier of those premises.

(5) If any person contravenes or fails to comply with any requirement, direction or order made or given under this Regulation, he shall be liable to a fine not exceeding fifty pounds.

(6) In this Regulation the expression "accommodation" means shelter, with reasonable access to such water supply and sanitary conveniences as are available to the occupier of the premises.

Explosives, Ammunition and Firearms.

4. (1) The Resident Commissioner may by an order made as respects any area in Basutoland provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the possession in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms.

(2) Every person who, in any such area as may be specified by order of the Resident Commissioner, not being an area in relation to which an order made under paragraph (1) of this Regulation is in force, has in his possession or under his control any explosive, any ammunition or any firearms or component parts of firearms, shall comply with such directions for securing the safe custody thereof as may be given by any European officer of police in the district in which the explosive, ammunition, firearms or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, firearms or component parts to such place as may be specified in the directions.

If any directions given under this paragraph by any European officer of police are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

CHAPTER V.

GENERAL AND SUPPLEMENTARY.

Inquiries.

1. (1) The competent authority, if he considers it desirable for the exercise of any of its powers under Chapter IV of these Regulations that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine.

(2) For the purposes of any inquiry held in pursuance of this Regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this Regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence against this Regulation.

Special Police Forces.

2. (1) The Resident Commissioner, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may by order provide—

(a) for the constitution of a special police force for any such area in Basutoland as may be specified in the order, for the appointment of persons as members of that special police force and for enabling members of existing police forces to serve with the special police force;

(b) for securing that the said special police force shall be under the control of such person as may be specified in the order, and for conferring on that person, in relation to the said area, all or any of the powers and duties of a senior officer of police;

and any such order may contain such incidental and supplementary provisions (including provisions for modifying or adapting any Proclamation or Regulations relating to any police authority or police force) as appear to the Resident Commissioner to be necessary or expedient for the purposes of the order.

(2) All persons being members of a special police force constituted for any area by an order under this Regulation shall have all the powers of members of the existing police force.

Power to Arrest without Warrant.

3. Any police officer, any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Resident Commissioner to act under this Regulation may arrest without warrant any person whom is has reasonable ground for suspecting to have committed a war offence.

Identification of Persons in Custody.

4. The Resident Commissioner may make rules authorising the taking, in relation to any person in custody whom a police officer has reasonable grounds for suspecting to have committed a war offence, of all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

Power to Obtain Information.

5. Without prejudice to any special provisions contained in these Regulations, any person shall, on being requested by an authorised officer so to do, furnish or produce to such officer or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the authorised officer considers it necessary or expedient in the interests of public safety, defence or the efficient prosecution of the war to obtain or examine.

Affixing of Notices.

6. Any authorised officer may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises or vehicle, and may, for the purpose of exercising any power conferred by this Regulation, enter any premises at any time; and where any authorised officer affixes a notice, or causes a notice to be displayed, in pursuance of this Regulation, no person other than an authorised officer shall remove, alter, deface or obliterate the notice.

False Statements.

7. If any person—

(1) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(2) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these Regulations to make,

he shall be guilty of an offence against that Regulation.

Obstruction.

8. No person shall obstruct any servant of His Majesty, a police officer acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with defence or the securing of the public safety.

Restrictions on Disclosing Information.

9. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or byelaw made under these Regulations, disclose that information except with permission granted by the Resident Commissioner.

Licences, Permits, etc.

10. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any police officer or by any authorised officer, produce the permit, licence or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence against this Regulation.

(3) Any licence, permit or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Fees for Licences, etc.

11. There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these Regulations, or any order made under any of these Regulations, such fee, not exceeding five pounds, as the Resident Commissioner may by order determine.

Billeting.

12. (1) The Resident Commissioner may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice"), requiring the occupier of those premises to furnish therein, until further notice or during such period as may be specified in the billeting notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct) for such number of persons as may be so specified, being either persons in the service of His Majesty or persons who are in the service of a local authority and are engaged in the performance of essential services.

Every billeting notice must, in order to be of any effect for the purposes of this Regulation, define by reference to the particular service or services in which they are engaged the persons for whom accommodation is required by the notice.

(2) The lodging or food to be furnished in accordance with a billeting notice, and the price to be paid in respect of any accommodation so furnished in any premises, shall be such, and shall be paid to the occupier of the premises by such authority, as may be determined by order of the Resident Commissioner.

(3) If the occupier of any premises feels aggrieved by the requirements of any billeting notice, he may, within fourteen days from the beginning of the day on which the notice is served on him, complain to a Subordinate Court, and thereupon the Court, if satisfied that the furnishing of accommodation in accordance with the notice would otherwise impose an undue burden upon the occupier, may by order annul the notice or direct that it shall have effect subject to such modifications as may be specified in the order.

(4) The penalty to which a person guilty of an offence under this Regulation shall be liable shall be a fine not exceeding fifty pounds.

Power to Enter and Search Premises.

13. (1) If a District Commissioner is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorising any police officer or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other police officers or members of His Majesty's forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

(2) If, with respect to any premises, any police officer, or any person authorised by the Resident Commissioner to act under this paragraph, has reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises, and is satisfied—

- (a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining that evidence, and
- (b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search and seizure in relation to the premises as might be conferred under paragraph (1) of this Regulation by the warrant of a District Commissioner.

(3) No woman shall, in pursuance of a warrant issued under this Regulation, be searched except by a woman.

Attempts to commit Offences, and assisting Offenders.

14. (1) Any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be deemed to be guilty of an offence against that Regulation.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Offences by Corporations.

15. Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Penalties.

16. If any person contravenes or fails to comply with any of these Regulations, or any order or rule made under any of these Regulations or any direction given or requirement imposed under any of these Regulations, he shall be guilty of an offence against that Regulation; and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—

- (1) on conviction before a Subordinate Court, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or
- (2) on conviction before the High Court, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

Legal Proceedings.

17. Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in Basutoland having jurisdiction in the place where that person is for the time being.

Disposal of Articles in possession of Executive Authorities.

18. (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of a war offence, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this Regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this Regulation is hereafter in this Regulation referred to as "a retained article".

(2) Where proceedings are taken in respect of a war offence, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may make an order—

(a) authorising the destruction or disposal of the article, or

(b) authorising the further retention of the article until such date as may be specified in the order;

and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of Basutoland.

(3) Without prejudice to the operation of paragraph (2) of this Regulation, a Subordinate Court upon complaint made in respect of a retained article by an executive authority may, after giving to the person (if any) claiming, or appearing to the court to be, the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by paragraph (2) of this Regulation.

(4) A court shall not make an order under this Regulation unless the court is satisfied that it is necessary so to do in the interests of public safety, defence or the efficient prosecution of the war.

(5) Where an order is made under this Regulation authorising the further retention of an article, paragraph (1) of this Regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by paragraph (2) or paragraph (3) of this Regulation.

(6) Where, in the course of any proceedings for an offence, an order is made under paragraph (2) of this Regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under paragraph (3) of this Regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to the High Court, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this Regulation authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) For the purposes of this Regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(10) For the purposes of this Regulation, any authority, police officer or other person whatsoever having functions in connection with the execution of these Regulations shall be deemed to be an executive authority.

(11) Nothing in this Regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this Regulation.

Recovery of Expenses.

19. Where any work is done in the exercise of powers conferred by any of these Regulations, then, if and so far as the work was work which, apart from

the provisions of these Regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown.

Entrusting of Functions to Statutory Bodies.

20. A provision made in, or a direction or determination made or given in pursuance of, any of these Regulations or any order under these Regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the Regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under a Proclamation; and any such body corporate to whom any functions are entrusted under or by virtue of these Regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these Regulations, is imposed by any Proclamation or other instrument determining the functions of that body.

Publicity for Orders.

21. When an order is made under the provisions of these Regulations, the Resident Commissioner, or other authority issuing the order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the order.

Service of Notices.

22. Without prejudice to any special provisions contained in these Regulations, a notice to be served on any person for the purposes of any of these Regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and Variation of Orders, etc.

23. Any power conferred by any of these Regulations to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Powers of High Commissioner.

24. The powers conferred by these Regulations shall be in addition to and not in derogation of any other rights or powers vested in the Resident Commissioner, or conferred by law on any other authority or person.

Liability for Offences.

25. Nothing in these Regulations shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with these Regulations:

Provided that no person shall be punished twice for the same act or omission.

(Printed by the Government Printer, Pretoria.)

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE

No. 150 of 1939.

It is hereby notified for general information that under the provisions of section 1 of the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939, His Excellency the High Commissioner has been pleased to make the subjoined Regulations.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 4th September, 1939.

DEFENCE REGULATIONS.

PRELIMINARY.

Interpretation.

1. (1) For the purpose of these Regulations, unless the context otherwise requires:—

“Aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;

“ammunition” has the same meaning as in section three of Proclamation of the 15th November, 1893;

“enemy alien” means a person who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty;

“essential services” means such services as may for the time being be declared by order of the High Commissioner to be of public utility or to be essential for the prosecution of the war or essential to the life of the community;

“explosive” has the same meaning as in the Cape Act No. 4 of 1887;

“firearm” has the same meaning as in the Proclamation of the 10th June, 1891;

“officer of police” means a European police officer of or above the rank of corporal;

“photographs” includes any photographic plates, photographic films or other sensitised articles which have been exposed in a camera, whether they have been developed or not;

“postal article” has the same meaning as in Schedule A to Proclamation No. 28 of 1916;

“ship” and “vessel” mean any kind of vessel howsoever propelled used in navigation, but shall not include a ship or vessel belonging to His Majesty;

“telegram” means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

“the war” means any war in which His Majesty may be engaged;

“war offence” means:—

- (a) treason, in so far as it consists in adhering to the King's enemies, giving them aid and comfort;
- (b) an offence of trading with the enemy;
- (c) an offence under any of the provisions of the Official Secrets (Bechuanaland Protectorate) Proclamations 1914 and 1922;
- (d) an offence against any of these Regulations;
- (e) an offence against any Order in Council or Order made under the Air Navigation Acts, 1920, and 1936 as applied to the Bechuanaland Protectorate by High Commissioner's Notice No. 6 of 1938;
- (f) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any offences specified in paragraphs (a) to (e) of this definition;

“wireless transmitting apparatus” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and “wireless receiving apparatus” means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these Regulations to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(3) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these Regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(4) The Cape Interpretation Act No. 5 of 1883 shall apply to the interpretation of these Regulations, and of any orders or rules made thereunder, as it applies to the interpretation of a Proclamation, and, for the purposes of section three of the said Act, these Regulations and such orders and rules as aforesaid shall be deemed to be Proclamations.

(5) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation, as amended by any subsequent Regulations made under the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939.

Competent Authority.

2. (1) The Competent Authority shall be the person appointed by the High Commissioner in writing for the purposes of all or any of the Regulations in which such expression occurs, and any person so appointed is in these Regulations referred to as the Competent Authority.

(2) Where the holder of a designated office has been appointed to be the Competent Authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Authorised Officer.

3. An “authorised officer” means any officer of police, or any Administrative officer or any person specially authorised thereto by the Resident Commissioner.

CENSORSHIP AND THE CONTROL AND SUPPRESSION OF PUBLICATIONS, WRITINGS, MAPS, PLANS, PHOTOGRAPHS, COMMUNICATIONS, AND MEANS OF COMMUNICATION.

Appointment of Censor and Censorship.

4. (1) The High Commissioner may appoint a censor of postal matter and telegrams and such number of assistant and deputy assistant censors as he shall think fit, and the word censor in these Regulations includes any assistant censor so appointed.

(2) The Resident Commissioner may by warrant under his hand authorise any Postmaster and any person in charge of cable and radio stations to detain and produce to the censor all postal articles and telegrams coming into their possession, either for transmission or delivery.

(3) The censor, or any person authorised by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal article or telegram of any description whatsoever which may be in course of, or intended for transmission to, from, or through the Bechuanaland Protectorate.

(4) Any person who without lawful authority transmits any telegram at any place in the Bechuanaland Protectorate or on any vessel or aircraft within the territorial waters thereof unless such telegram has first been passed for transmission by the censor is guilty of an offence against these Regulations.

Postal Communications.

5. (1) The Resident Commissioner may make provisions by order for securing that postal articles of any such description as may be specified in the order shall not be despatched by post from the Bechuanaland Protectorate to destinations outside the Bechuanaland Protectorate, except in accordance with the

order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal articles, direct that no postal article of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

(2) The Resident Commissioner may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from the Bechuanaland Protectorate to any destination outside the Bechuanaland Protectorate otherwise than by post, or conveyed into the Bechuanaland Protectorate otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to embark on any vessel or aircraft at any place in the Bechuanaland Protectorate for the purpose of leaving the Bechuanaland Protectorate, or lands from any vessel or aircraft at any place on coming to the Bechuanaland Protectorate (which person is hereafter in the paragraph referred to as "the traveller"), shall, if requested so to do by an authorised officer,

- (a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;
- (b) produce any such article as aforesaid which he has with him;

and an authorised officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the authorised officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorised officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where, at any place in the Bechuanaland Protectorate, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person embarking thereat on a vessel or aircraft for the purpose of leaving the Bechuanaland Protectorate, or landing thereat from a vessel or aircraft on coming to the Bechuanaland Protectorate, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found, as they apply in relation to a person about to embark on a vessel or aircraft for the purpose of leaving the Bechuanaland Protectorate; and where any person is on any occasion found travelling in the Bechuanaland Protectorate to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to embark on a vessel or aircraft for the purpose of leaving the Bechuanaland Protectorate.

Where there is declared or produced to the authorised officer in compliance with this Regulation, or discovered by the authorised officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced

or in whose possession it is discovered to take, such steps (including subsection of the article to the process of development) as may be reasonably necessary for enabling the authorised officer to ascertain whether or not it has been so exposed.

Wireless telegraphy, etc.

6. (1) The Resident Commissioner may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

- (a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;
- (b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the Resident Commissioner to be readily adaptable for the purpose of being so used;

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Bechuanaland Protectorate Radio Proclamation, 1927, as amended, authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which such a licence was then in force.

(2) In any proceedings arising out of a contravention of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus, and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or where the apparatus is on board any vessel or aircraft, as the case may be, shall each be guilty of an offence against this Regulation:

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(4) An authorised officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under paragraph (3) of this Regulation relating to the ship or aircraft, or, where a contravention of such an order has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(5) Notwithstanding anything in the Bechuanaland Protectorate Radio Proclamation, 1927, as amended, the Resident Commissioner in his discretion may refuse the grant of a licence under the said Proclamation and may revoke at any time a licence granted under that Proclamation.

Interference with Telegraphic Communications.

7. No person shall knowingly—

- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or
- (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Provided that this Regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police constable acting in the course of his duty as such.

Signalling to foreign Vessels or Aircraft.

8. No person shall, except with permission granted by or on behalf of the Resident Commissioner, make any signal (either visually or by means of sound or otherwise) to any foreign vessel or foreign aircraft:

Provided that the Regulation shall not restrict the making of any signal by any servant of His Majesty acting in the course of his duty as such, or the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty.

Signalling Apparatus.

9. (1) Subject to any exemptions for which provision may be made by order of the Resident Commissioner, no person shall, except with permission granted by a competent authority, have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to defence:

Provided that this Regulation shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such, and (without prejudice to Regulation No. 6) shall not apply—

- (a) in relation to any wireless transmitting apparatus, or
- (b) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by law to be carried therein.

(2) In any proceedings arising out of a contravention of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permission in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date

Pigeons.

10. (1) Subject as hereinafter provided, no live pigeon shall be imported into the Bechuanaland Protectorate except under the authority of a licence granted by a competent authority; and pigeons shall, if imported into the Bechuanaland Protectorate otherwise than under the authority of such a licence, be deemed to be goods the importation of which is prohibited by the Bechuanaland Protectorate Customs Management Proclamation, 1914, and the enactments relating to customs shall apply accordingly:

Provided that this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Subject as hereinafter provided, no person shall—

- (a) have in his possession or under his control, or liberate, any racing pigeon or homing pigeon except under the authority of a written permit granted by the competent authority,
- (b) knowingly kill, wound or take any such pigeon, or
- (c) remove or tamper with any article attached to such a pigeon, being an article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information:

Provided that—

- (i) this paragraph shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police constable acting in the course of his duty as such; and
- (ii) nothing in sub-paragraphs (b) and (c) of this paragraph shall apply to anything done in relation to a pigeon by the person entitled to possession thereof or by any person acting on his behalf.

(3) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (2) of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the pigeons in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) With a view to the enforcement of this Regulation, any officer of police may liberate any pigeons found by him at any place, and may enter any premises for the purpose of exercising his powers under this paragraph.

(5) Whenever any person finds dead or unable to fly a racing pigeon or homing pigeon to which there is attached any article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information, he shall forthwith cause the pigeon to be delivered to some member of His Majesty's forces or any officer of police:

Provided that nothing in this paragraph shall impose any obligation in respect of a pigeon upon any person, or the servant or agent of any person, who is entitled to have that pigeon in his possession or under his control by virtue of a permit granted under paragraph (2) of this Regulation.

Means of Secret Communication.

11. (1) Subject to the provisions of this Regulation no person shall, except with permission granted by the Resident Commissioner, knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside the Bechuanaland Protectorate—

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information,
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Resident Commissioner so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Resident Commissioner so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

(a) to the possession of—

(i) any code or cipher the use of which is approved by the Resident Commissioner, or

(ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(b) to the use, in accordance with conditions imposed by the Resident Commissioner, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph, and shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such.

General Provisions for Safeguarding Information.

12. No person shall, in any manner likely to prejudice the defence of the Bechuanaland Protectorate or the efficient prosecution of the war—

(1) obtain,

(2) record, communicate to any other person or publish, or

(3) have in his possession any document containing, or other record whatsoever of

any information being, or purporting to be, information with respect to any of the following matters, that is to say:—

(a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;

(b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;

(c) any measures for the defence or fortification of any place on behalf of His Majesty;

(d) the number, description or location of any prisoners of war;

(e) munitions of war;

(f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communication with Enemy Agents.

13. No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to public safety or to defence.

Photography, etc.

14. (1) Subject to any exemptions for which provision may be made by order of the Resident Commissioner no person shall, except under the authority of a written permit granted by the Resident Commissioner, or a competent authority—

(a) have a camera with him in any place in the Bechuanaland Protectorate to which the public have access, or

(b) make any photograph, sketch, plan, or other representation of any area, or of any part of or object in such area, which may be specified by the Resident Commissioner being an area in relation to which the restriction of photography appears to him to be expedient in the interests of public safety or of defence.

(2) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the time of the contravention application had been made by him (for the first time) for the necessary permit in relation to the camera in respect of which proceedings are taken, and that the application was still pending at that date.

(3) The Resident Commissioner may make such orders, as he thinks necessary, for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-paragraph (b) of paragraph (1) of this Regulation, shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and such person or authority may, if he thinks it necessary in the interests of public safety or defence so to do, retain or destroy or otherwise dispose of anything submitted as aforesaid.

(4) This Regulation shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

Inventions and Designs.

15. (1) Where, either before or after the coming into force of this Regulation, an application has been made to the Resident Commissioner for the grant of a patent or the registration of a design, the High Commissioner, if satisfied that it is expedient in the interests of defence so to do, may require the Resident Commissioner to omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by the High Commissioner, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Resident Commissioner, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown, the Resident Commissioner may authorise the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of defence or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation shall be inoperative.

MOVEMENTS AND ACTIVITIES OF PERSONS.

Restriction of Movements of Suspected Persons.

16. (1) The Resident Commissioner, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order for all or any of the following purposes, that is to say:—

(a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in the Bechuanaland Protectorate as may be so specified;

(b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

(2) If any person is in any area in contravention of an order made under this Regulation, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that area by any officer of police or by any person authorised in that behalf by the Resident Commissioner.

Restriction Orders and Detention Orders.

17. (1) The Resident Commissioner, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order:—

(a) prohibiting or restricting the possession or use by that person of any specified articles;

(b) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions;

(c) directing that he be detained;

and so long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions, as the Resident Commissioner may from time to time determine, and shall, while so detained, be deemed to be in legal custody.

(2) For the purposes of this Regulation, there shall be one or more advisory committees consisting of persons appointed by the High Commissioner, and the chairman of any such committee shall be a Senior District Commissioner or other person who holds or has held judicial office.

(3) The functions of any such committee shall be to consider, and make recommendations to the Resident Commissioner with respect to, any objections against an order under this Regulation which are duly made to the committee by the person to whom the order relates.

(4) The High Commissioner may make rules as to the manner in which objections against such an order as aforesaid may be made to such an advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under this Regulation to make objections against the order either in person or by counsel, solicitor or agent; and every such person shall be informed of his right to make objections under this Regulation.

Interference with His Majesty's Forces, etc.

18. No person shall—

(1) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or

(2) do, in relation to any person whom he knows to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged:

Provided that a person shall not be guilty of an offence under this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

Misleading Acts and Misrepresentation.

19. (1) No person shall—

(a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf of His Majesty of a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or

(b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty, for any particular purpose, or

(c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the Bechuanaland Protectorate or the securing of the public safety, or

(d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised by or on behalf of the Resident Commissioner, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or

(e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of the Bechuanaland Protectorate or the securing of the public safety:

Provided that the provisions of sub-paragraph (2) of this paragraph shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

(2) In this Regulation the expression "defence signal" means any signal authorised by or on behalf of the Resident Commissioner to be used for any purpose connected with defence or the securing of public safety.

Change of Name.

20. (1) Except in such circumstances as may be specified by order of the High Commissioner, no alien who is in the Bechuanaland Protectorate on the fourth day of September, nineteen hundred and thirty-nine, shall, while in the Bechuanaland Protectorate at any time after that day, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before the said day.

(2) Where, after the fourth day of September, nineteen hundred and thirty-nine, any alien carries on, or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said day, he shall, for the purposes of paragraph (1) of this Regulation, be deemed to be using a name other than that by which he was ordinarily known immediately before the said day.

(3) In relation to any alien who, not having been in the Bechuanaland Protectorate on the fourth day of September, nineteen hundred and thirty-nine, thereafter arrives in the Bechuanaland Protectorate, paragraphs (1) and (2) of this Regulation shall have effect as if for any reference in those paragraphs to the said day there were substituted a reference to the day on which he first arrives in the Bechuanaland Protectorate after the fourth day of September, nineteen hundred and thirty-nine.

(4) For the purposes of this Regulation, the expression "name" shall be construed as including surname, and a name shall be deemed to be changed if the spelling thereof is altered.

Causing Disaffection.

21. (1) No person shall—

- (a) endeavour to cause disaffection among any persons engaged (whether in the Bechuanaland Protectorate or elsewhere) in His Majesty's service, or in the performance of essential services, or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or
- (b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, subparagraph (a) of this paragraph, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for an offence against this Regulation shall not be instituted except with the consent of the Attorney-General.

Propaganda.

22. (1) No person shall—

- (a) endeavour, whether orally or otherwise, to influence public opinion (whether in the Bechuanaland Protectorate or elsewhere) in a manner likely to be prejudicial to defence or the efficient prosecution of the war, or
- (b) do any act, or have any article in his possession, with a view to making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this paragraph shall not be instituted except with the consent of the Attorney-General.

(2) The Resident Commissioner may make provision by order for preventing or restricting the publication in the Bechuanaland Protectorate of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to defence or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as appear to the Resident Commissioner to be necessary or expedient for the purposes of the order (including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in the order).

(3) Where any person is convicted of an offence against this Regulation by reason of his having published a newspaper, the Resident Commissioner may by order direct that, during such period as may be specified in the order, that person shall not publish any newspaper in the Bechuanaland Protectorate.

(4) In this Regulation—

- (a) the expression "public opinion" includes the opinion of any section of the public;
- (b) the expression "cinematograph film" includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (c) the expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connection with the exhibition of the film as aforesaid; and
- (d) the expression "newspaper" includes any journal, magazine or other periodical publication.

Unofficial Uniforms, etc.

23. (1) The Resident Commissioner may by order prohibit the wearing or display by any person in public of any distinctive dress or article of apparel or any emblem, being a dress, article or emblem as to which the Resident Commissioner is satisfied that the wearing or display thereof as aforesaid would be likely to cause a disturbance of public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

(2) For the purposes of this Regulation, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

Processions and Meetings.

24. (1) The Resident Commissioner, if satisfied, with respect to any area in the Bechuanaland Protectorate, that the holding of public processions or of any class of such processions in that area would be likely to cause a disturbance of public order or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

(2) The Resident Commissioner may give directions prohibiting the holding of any meeting as to which he is satisfied that the holding thereof would be likely to cause a disturbance of public order or to promote disaffection.

(3) Any police constable may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this Regulation.

Sabotage.

25. (1) No person shall do any act with intent to impair the efficiency or impede the working of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used for the purposes of any of His Majesty's forces, or for the purposes of any undertaking engaged in the performance of essential services:

This paragraph shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as it applies in relation to the doing of any act by a person.

(2) Any person convicted by the High Court on indictment of an offence against this Regulation shall be liable to imprisonment for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

Acts done with Intent to Assist the Enemy.

26. If, with intent to assist the enemy, any person does any act which is likely to assist the enemy or to prejudice the public safety, the defence of the Bechuanaland Protectorate or the efficient prosecution of the war, then, without prejudice to the law

relating to treason, he shall be guilty of an offence against this Regulation and shall, on conviction on indictment, be liable to imprisonment for life.

Prisoners of War, etc.

27. (1) No person shall—
- knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or
 - give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.
- (2) The Resident Commissioner may by order provide—
- for regulating access to, and the conduct of persons in, places in the Bechuanaland Protectorate where prisoners of war are detained, and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;
 - for prescribing conditions to be observed in connection with the employment of, or the provision of board or lodging for, prisoners of war in the Bechuanaland Protectorate while elsewhere than in places for the detention of prisoners of war.
- (3) This Regulation shall apply in relation to any person in respect of whom there is in force an order for his detention made under this Part of these Regulations as it applies in relation to a prisoner of war.
- (4) No proceedings shall be taken, by virtue of this Regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

Entering Enemy Territory.

28. (1) Subject as hereinafter provided, no person being either a British subject or a British-protected person, shall, without the permission of the High Commissioner, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a Power at war with His Majesty:

Provided that this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Any person convicted by the High Court or indictment of an offence against this Regulation shall be liable to imprisonment for any term not exceeding five years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) In this Regulation the expression "enemy territory" means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a Power at war with His Majesty, but does not include any area in the occupation of His Majesty or of a Power allied with His Majesty.

Entering and Leaving the Territory.

29. The Resident Commissioner may make provision by order for securing that, subject to any exemptions for which provision may be made by the order,

- no person shall, on coming by sea, river or by air from a place outside the Bechuanaland Protectorate, disembark in the Bechuanaland Protectorate from any vessel or aircraft elsewhere than at a place specified in the order;
- no person shall, for the purpose of proceeding by sea, river or by air to a destination outside the Bechuanaland Protectorate, embark in the Bechuanaland Protectorate on any vessel or aircraft elsewhere than at a place so specified;
- No person shall proceed from the Bechuanaland Protectorate to a destination outside it, except under the authority of a written permit granted by such authority or person as may be specified in the order.

Stopping of Ships and Aircraft.

30. (1) A competent authority may, if it appears to him to be necessary in the interests of defence so to do, give, with respect to any particular ship or aircraft at a port or place in the Bechuanaland Protectorate, directions that the ship or aircraft shall not leave the port or place until permitted to do so by such authority or person as may be specified in the directions; and if any ship or aircraft leaves or attempts to leave any port or place in contravention of any such directions as aforesaid, the master of the ship or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this Regulation:

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by the Resident Commissioner.

(2) An authorised officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this Regulation with respect to the ship or aircraft or, where an offence against this Regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

Protected Places.

31. (1) If, as respects any premises, it appears to the Resident Commissioner to be necessary or expedient, in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of these Regulations; and so long as the order is in force, no person, shall, subject to any exemptions for which provisions may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as "a protected place".

(2) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Resident Commissioner or by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

Protected Areas.

32. (1) Without prejudice to any other of these Regulations, the Resident Commissioner, if satisfied with respect to any area that it is necessary or expedient, in the interests of defence or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a person who was not at the

beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as "a protected area".

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorised officer.

Controlled Areas.

33. Without prejudice to any other of these Regulations the High Commissioner may, as respects—

- (a) any protected place or protected area, or
- (b) any place in relation to which it appears to the High Commissioner to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war.

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and a rule made in relation to any place by virtue of sub-paragraph (b) of this paragraph may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

Trespassing and Loitering.

34. (1) No person shall—

- (a) trespass on, or on premises in the vicinity of, any premises to which this Regulation primarily applies,
- (b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or
- (c) trespass on premises in the vicinity of any protected place;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by an authorised officer from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or defence, be in, or in the vicinity of, any premises to which this Regulation primarily applies or any such vehicle, vessel or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to public safety or defence.

(3) No person loitering in the vicinity of a protected place, of any premises to which this Regulation primarily applies, or of any such vehicle, vessel or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) The premises to which this Regulation primarily applies are premises used or appropriated—

- (a) for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy, or
- (b) for the performance of any essential services.

Control of Highways.

35. The Resident Commissioner, if he considers it necessary in the interests of defence so to do, may by order provide for the stopping up or diversion of any highway, and for prohibiting or restricting the exercise of any right of way or the use of any waterway.

TRANSPORT.

Power to Stop and Search Vehicles.

36. (1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any police constable in uniform or by any member of His Majesty's forces being in uniform and on duty.

(2) If—

- (a) as respects any road vehicle being on a public highway or in a place to which the public have access, or
- (b) upon the overtaking of a road vehicle on any occasion on which the person driving, or in control of, the vehicle has been lawfully required to stop it but has failed to do so,

any police constable or member of His Majesty's forces has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of a war offence, he may search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

(3) In this Regulation the expression "road vehicle" means any vehicle designed or adapted for use on roads.

PASSIVE DEFENCE MEASURES.

Evacuation of Areas.

37. (1) The Resident Commissioner may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in such attack, make, as respects any area in the Bechuanaland Protectorate, either or both of the following orders, that is to say—

- (a) an order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified;
- (b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be so specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as practicable, and that after that time no such things or animals shall be brought into the area except under such permission as aforesaid.

(2) An order made under paragraph (1) of this Regulation for the removal of persons or property from any area—

- (a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;
- (b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;

(c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;

(d) may make different provision in relation to different parts of the area;

and may contain such other incidental and supplementary provisions as appear to the Resident Commissioner to be necessary or expedient for the purposes of the order.

(3) Where an order is made under this Regulation requiring the removal of any animals or things from any area by a specified time, the Resident Commissioner may, while the order is in force, cause those animals or things, or any of them, to be removed from the area, if the Resident Commissioner is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this Regulation, then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any authorised officer.

(4) If any order made under this Regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this Regulation.

Accommodation for Persons who leave Places exposed to attack, or are otherwise rendered Homeless.

38. (1) If the Resident Commissioner is satisfied that it is necessary that special steps should be taken to provide accommodation for persons who have left or are likely to leave their homes in consequence of or in apprehension of attacks by the enemy, or who have become homeless in consequence of such attacks, he may appoint or authorise the appointment of persons to act under this Regulation subject to any general or special instructions of the Resident Commissioner; and any person acting in pursuance of an appointment under this paragraph may require the occupier of any premises to provide, subject to the following provisions of this Regulation, accommodation in those premises for such persons as the person so acting may assign thereto.

(2) The occupier of any premises shall, if requested so to do by a person acting in pursuance of an appointment under paragraph (1) of this Regulation, furnish to that person such information with respect to the accommodation contained in the premises, and with respect to the persons living therein, as he may require for the purposes of this Regulation.

(3) A person acting in pursuance of an appointment under paragraph (1) of this Regulation may revoke any requirement made under that paragraph with respect to the provision of accommodation in any premises for any person, and may direct that that person shall not thereafter be in those premises except with the consent of the occupier.

(4) The Resident Commissioner, if satisfied that it is no longer necessary that persons or any class of persons should continue to be provided under this Regulation with accommodation in any particular area, may by order—

(a) revoke, as from a specified date, all requirements made under paragraph (1) of this Regulation with respect to the provision of accommodation for persons or for persons of that class, as the case may be, in the said area, and

(b) direct that on and after that date no person, or, as the case may be, no person of that class, shall be in any premises in the said area to which he has been assigned under this Regulation except with the consent of the occupier of those premises.

(5) If any person contravenes or fails to comply with any requirement, direction or order made or given under this Regulation, he shall be liable to a fine not exceeding fifty pounds.

(6) In this Regulation the expression "accommodation" means shelter, with reasonable access to such water supply and sanitary convenience as are available to the occupier of the premises.

Explosives, Ammunition and Firearms.

39. (1) The Resident Commissioner may by an order made as respects any area in the Bechuanaland Protectorate provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the possession in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms.

(2) Every person who, in any such area as may be specified by order of the Resident Commissioner, not being an area in relation to which any order made under paragraph (1) of this Regulation is in force, has in his possession or under his control any explosive, any ammunition or any firearms or component parts of firearms, shall comply with such directions for securing the safe custody thereof as may be given by the District Commissioner or senior officer of police in the district in which the explosive, ammunition, firearms, or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, firearms or component parts to such place as may be specified in the directions.

If any directions given under this paragraph by the District Commissioner or a senior officer of police are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

GENERAL AND SUPPLEMENTARY.

Inquiries.

40. (1) The competent authority, if he considers it desirable for the exercise of any of its powers under Regulations 36 and 39 that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine.

(2) For the purposes of any inquiry held in pursuance of this Regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this Regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence against this Regulation.

Special Police Forces.

41. (1) The High Commissioner, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may by order provide—

(a) for the constitution of a special police force for any such area in the Bechuanaland Protectorate as may be specified in the order, for the appointment of persons as members of that special police force and for enabling members of existing police forces to serve with the special police force;

(b) for securing that the said special police force shall be under the control of such person as may be specified in the order, and for conferring on that person, in relation to the said area, all or any of the powers and duties of an Inspector of Police;

and any such order may contain such incidental and supplementary provisions (including provisions for modifying or adapting any Proclamation or Regulations relating to any police authority or police force) as appear to the High Commissioner to be necessary or expedient for the purposes of the order.

(2) All persons being members of a special police force constituted for any area by an order under this Regulation shall have all the powers of police constables.

Power to Arrest Without Warrant.

42. Any officer of police, any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the High Commissioner to act under this Regulation may arrest without warrant any person whom he has reasonable ground for suspecting to have committed a war offence.

Identification of Persons in Custody.

43. The High Commissioner may make rules authorising the taking, in relation to any person in custody whom an officer of police has reasonable grounds for suspecting to have committed a war offence, of all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

Power to Obtain Information.

44. Without prejudice to any special provisions contained in these Regulations, any person shall, on being requested by a competent authority so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the competent authority considers it necessary or expedient in the interests of public safety, defence or the efficient prosecution of the war to obtain or examine.

Affixing of Notices.

45. Any authorised officer may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by this Regulation, enter any premises at any time; and where any authorised officer affixes a notice, or causes a notice to be displayed, in pursuance of this Regulation, no person other than an authorised officer shall remove, alter, deface or obliterate the notice.

False Statements.

46. If any person—

(1) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(2) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these Regulations to make,

he shall be guilty of an offence against that Regulation.

Obstruction.

47. No person shall obstruct any servant of His Majesty, a police constable acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with defence or the securing of the public safety.

Restrictions on disclosing Information.

48. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or byelaw made under these Regulations, disclose that information except with permission granted by the Resident Commissioner.

Licences, Permits, etc.

49. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any police constable or by any authorised officer, produce the permit, licence or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence against this Regulation.

(3) Any licence, permit or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Fees for Licences, etc.

50. There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these Regulations, or any order made under any of these Regulations, such fee, not exceeding five pounds, as the High Commissioner may by order determine.

Billeting.

51. (1) A competent authority may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as a "billeting notice"), requiring the occupier of those premises to furnish therein, until further notice or during such period as may be specified in the billeting notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct) for such number of persons as may be so specified, being either persons in the service of His Majesty or persons who are in the service of a local authority and are engaged in the performance of essential services.

Every billeting notice must, in order to be of any effect for the purposes of this Regulation, define by reference to the particular service or services in which they are engaged the persons for whom accommodation is required by the notice.

(2) The lodging or food to be furnished in accordance with a billeting notice, and the price to be paid in respect of any accommodation so furnished in any premises, shall be such, and shall be paid to the occupier of the premises by such authority, as may be determined by order of the Resident Commissioner.

(3) If the occupier of any premises feels aggrieved by the requirements of any billeting notice, he may, within fourteen days from the beginning of the day on which the notice is served on him, complain to a Subordinate Court, and thereupon the court, if satisfied that the furnishing of accommodation in accordance with the notice would otherwise impose an undue burden upon the occupier, may by order annul the notice or direct that it shall have effect subject to such modifications as may be specified in the order.

(4) The penalty to which a person guilty of an offence under this Regulation shall be liable shall be a fine not exceeding fifty pounds.

Power to enter and search Premises.

52. (1) If a District Commissioner is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorising any officer of police or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other police constables or members of His Majesty's forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

(2) If, with respect to any premises, any officer of police of a rank not lower than that of Corporal, or any person authorised by the Resident Commissioner to act under this paragraph, has reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises, and is satisfied—

- (a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining that evidence, and
- (b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search and seizure in relation to the premises as might be conferred under paragraph (1) of this Regulation by the warrant of a District Commissioner.

(3) No woman shall, in pursuance of a warrant issued under this Regulation, be searched except by a woman.

Attempts to Commit Offences and Assisting Offenders.

53. (1) Any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be deemed to be guilty of an offence against that Regulation.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Offences by Corporations.

54. Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Penalties.

55. If any person contravenes or fails to comply with any of these Regulations, or any order or rule made under any of these Regulations or any direction given or requirement imposed under any of these Regulations, he shall be guilty of an offence against that Regulations; and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—

- (1) on conviction before a Subordinate Court, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or
- (2) on conviction before the High Court, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

Legal Proceedings.

56. Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in the Bechuanaland Protectorate having jurisdiction in the place where that person is for the time being.

Disposal of Articles in possession of Executive Authorities.

57. (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of a war offence, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this Regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this Regulation is hereinafter in this Regulation referred to as "a retained article".

(2) Where proceedings are taken in respect of a war offence, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may make an order—

- (a) authorising the destruction or disposal of the article, or
- (b) authorising the further retention of the article until such date as may be specified in the order; and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of the Bechuanaland Protectorate.

(3) Without prejudice to the operation of paragraph (2) of this Regulation, a Subordinate Court upon complaint made in respect of a retained article by an executive authority may, after giving to the person (if any) claiming, or appearing to the court to be, the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by paragraph (2) of this Regulation.

(4) A court shall not make an order under this Regulation unless the court is satisfied that it is necessary so to do in the interests of public safety, defence or the efficient prosecution of the war.

(5) Where an order is made under this Regulation authorising the further retention of an article, paragraph (1) of this Regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by paragraph (2) or paragraph (3) of this Regulation.

(6) Where, in the course of any proceedings for an offence, an order is made under paragraph (2) of this Regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under paragraph (3) of this Regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order of the High Court, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this Regulation authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) For the purposes of this Regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(10) For the purposes of this Regulation, any authority, police constable or other person whatsoever having functions in connection with the execution of these Regulations shall be deemed to be an executive authority.

(11) Nothing in this Regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this Regulation.

Recovery of Expenses.

58. Where any work is done in the exercise of powers conferred by any of these Regulations, then, if and so far as the work was work which, apart from the provisions of these Regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown.

Entrusting of Functions to Statutory Bodies.

59. A provision made in, or a direction or determination made or given in pursuance of, any of these Regulations or any order under these Regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the Regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under a Proclamation; and any such body corporate to whom any functions are entrusted under or by virtue of these Regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these Regulations, is imposed by any Proclamation or other instrument determining the functions of that body.

Publicity for Orders.

60. When any order is made under the provisions of these Regulations, the High Commissioner, or other authority issuing the order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the order.

Service of Notices.

61. Without prejudice to any special provisions contained in these Regulations, a notice to be served on any person for the purposes of any of these Regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and Variation of Orders, etc.

62. Any power conferred by any of these Regulations to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Powers of High Commissioner.

63. The powers conferred by these Regulations shall be in addition to and not in derogation of any other rights or powers vested in the High Commissioner, or conferred by law on any other authority or person.

Liability for Offences.

64. Nothing in these Regulations shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with these Regulations:

Provided that no person shall be punished twice for the same act or omission.

Short Title and Commencement.

65. These Regulations may be cited as the Bechuanaland Protectorate Defence Regulations, 1939, and shall come into operation on the fourth day of September, 1939.

(Printed by the Government Printer, Pretoria.)

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE

No. 151 OF 1939.

It is hereby notified for general information that, under and by virtue of the powers conferred upon him by section one of the Bechuanaland Protectorate Exportation and Importation Restriction Proclamation, 1939, His Excellency the High Commissioner has been pleased to prohibit the exportation of warlike stores from the Bechuanaland Protectorate to all Countries and Territories, except with the permission in writing of the Resident Commissioner or some officer authorised by the Resident Commissioner to grant such permission.

For the purposes of this Notice, warlike stores are deemed to be—

- (a) any materials or articles used or capable of being used as ammunition, explosives or weapons or for the manufacture thereof;
- (b) any materials, articles or animals used for purposes of transport, encampment, equipment, or other military purposes.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 4th September, 1939.

(Printed by the Government Printer, Pretoria.)

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE

No. 152 OF 1939.

It is hereby notified for general information that, in terms of section one of the Bechuanaland Protectorate Enemy Property and Trade Regulation Proclamation, 1939, His Excellency the High Commissioner has been pleased to appoint the Financial Secretary of the Bechuanaland Protectorate for the time being to act as Custodian of enemy property for that Territory.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 4th September, 1939.

(Printed by the Government Printer, Pretoria.)

SWAZILAND.

HIGH COMMISSIONER'S NOTICE

No. 153 OF 1939.

It is hereby notified for general information that, under and by virtue of the powers vested in him by section one of the Swaziland Emergency Powers (Defence) Proclamation, 1939, His Excellency the High Commissioner has been pleased to make the following Regulations.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 4th September, 1939.

DEFENCE REGULATIONS.

PART I.

CENSORSHIP AND THE CONTROL AND SUPPRESSION OF PUBLICATIONS, WRITINGS, MAPS, PLANS, PHOTOGRAPHS, COMMUNICATIONS, AND MEANS OF COMMUNICATION.

Appointment of Censor and Censorship.

1. (1) The Resident Commissioner may appoint a censor of postal matter and telegrams and such number of assistant and deputy assistant censors as he shall think fit, and the word censor in these Regulations includes any assistant censor so appointed.

(2) The Resident Commissioner may by warrant under his hand authorise any Postmaster and any person in charge of telegraph and radio stations to detain and produce to the censor all postal packets and telegrams coming into their possession either for transmission or delivery.

(3) The censor, or any person authorised by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal packet or telegram of any description whatsoever which may be in course of, or intended for, transmission to, from, or through Swaziland.

(4) Any person who without lawful authority transmits any telegrams at any place in Swaziland unless such telegram has first been passed for transmission by the censor is guilty of an offence against these Regulations.

Postal Communications.

2. (1) The Resident Commissioner may make provision by order for securing that postal packets of any such description as may be specified in the order shall not be despatched by post from Swaziland to destinations outside Swaziland, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

(2) The Resident Commissioner may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Swaziland to any destination outside Swaziland otherwise than by post, or conveyed into Swaziland otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to embark on any aircraft at any place in Swaziland for the purpose of leaving Swaziland, or lands from any aircraft at any place on coming to Swaziland (which person is hereafter in this paragraph referred to as "the traveller") shall, if requested so to do by an authorised officer,

(a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;

(b) produce any such article as aforesaid which he has with him;

and an authorised officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this Regulation, and, if the authorised officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorised officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no woman shall be searched in pursuance of this paragraph except by a woman.

(4) Where, at any place in Swaziland, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person embarking thereat on aircraft for the purpose of leaving Swaziland, or landing thereat from aircraft on coming to Swaziland, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found, as they apply in relation to a person about to embark on aircraft for the purpose of leaving Swaziland; and where any person is on any occasion found travelling in Swaziland to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to embark on aircraft for the purpose of leaving Swaziland.

Where there is declared or produced to the authorised officer in compliance with this Regulation, or discovered by the authorised officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take, such steps (including subjection of the article to the process of development) as may be reasonably necessary for enabling the authorised officer to ascertain whether or not it has been so exposed.

Wireless, Telegraphy, etc.

3. (1) The Resident Commissioner may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

- (a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;
- (b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the Resident Commissioner to be readily adaptable for the purpose of being so used:

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the provisions of the Swaziland Radio Proclamation, 1927, as amended, authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which a licence was then in force.

(2) In any proceedings arising out of a contravention of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any aircraft, the pilot of the aircraft, shall be guilty of an offence against this Regulation;

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(4) An authorised officer may, in relation to any aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under paragraph (3) of this Regulation relating to aircraft, or, where a contravention of such an order has occurred in the case of aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(5) Notwithstanding anything in the Swaziland Radio Proclamation, 1927, as amended, the Postmaster-General in his discretion may refuse to grant a licence under the said Proclamation and may revoke at any time a licence granted under that Proclamation.

Interference with Telegraphic Communications.

4. No person shall knowingly—

- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or
- (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Provided that this Regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police constable acting in the course of his duty as such.

Signalling to Foreign Aircraft.

5. No person shall, except with permission granted by or on behalf of the Resident Commissioner, make any signal (either visually or by means of sound or otherwise) to any foreign aircraft:

Provided that this Regulation shall not restrict the making of any signal by any servant of His Majesty acting in the course of his duty as such, or the making of any signal for the purpose only of saving life or of regulating or aiding the navigation in the air of any aircraft other than aircraft being used in the service of a Power at war with His Majesty.

Signalling Apparatus.

6. (1) Subject to any exemptions for which provision may be made by order of the Resident Commissioner, no person shall, except with permission granted by a competent authority, have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to defence:

Provided that this Regulation shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such, and (without prejudice to Regulation No. 3) shall not apply—

- (a) in relation to any wireless transmitting apparatus, or
- (b) in relation to any apparatus forming part of the equipment of aircraft, being an apparatus which is required by law to be carried therein.

(2) In any proceedings arising out of a contravention of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permission in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

Pigeons.

7. (1) Subject as hereinafter provided, no live pigeon shall be imported into Swaziland except under the authority of a licence granted by a competent authority; and pigeons shall, if imported into Swaziland otherwise than under the authority of such a licence, be deemed to be goods the importation of which is prohibited by the Exportation and Importation Restriction (Swaziland) Proclamation, 1920, and the enactments relating to customs shall apply accordingly:

Provided that this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Subject as hereinafter provided, no person shall—

- (a) have in his possession or under his control, or liberate, any racing pigeon or homing pigeon except under the authority of a written permit granted by the competent authority,
- (b) knowingly kill, wound or take any such pigeon, or
- (c) remove or tamper with any article attached to such pigeon, being an article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information:

Provided that—

- (i) this paragraph shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police constable acting in the course of his duty as such; and
- (ii) nothing in sub-paragraphs (b) and (c) of this paragraph shall apply to anything done in relation to a pigeon by the person entitled to possession thereof or by any person acting on his behalf.

(3) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (2) of this Regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the pigeons in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) With a view to the enforcement of this Regulation, any officer of police may liberate any pigeons found by him at any place, and may enter any premises for the purpose of exercising his powers under this paragraph.

(5) Whenever any person finds dead or unable to fly a racing pigeon or homing pigeon to which there is attached any article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information, he shall forthwith cause the pigeon to be delivered to some member of His Majesty's forces or any officer of police:

Provided that nothing in this paragraph shall impose any obligation in respect of a pigeon upon any person, or the servant or agent of any person, who is entitled to have that pigeon in his possession or under his control by virtue of a permit granted under paragraph (2) of this Regulation.

Means of Secret Communication.

8. (1) Subject to the provisions of this Regulation no person shall, except with permission granted by the Resident Commissioner, knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside Swaziland—

- (a) any instruction for utilising any means of secretly conveying, receiving or recording information;
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Resident Commissioner so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Resident Commissioner so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

(5) In this Regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

(a) to the possession of—

- (i) any code or cipher the use of which is approved by the Resident Commissioner, or
- (ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(b) to the use, in accordance with conditions imposed by the Resident Commissioner, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph,

and shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such.

General Provisions for Safeguarding Information.

9. No person shall, in any manner likely to prejudice the defence of Swaziland or the efficient prosecution of the war—

- (1) obtain,
- (2) record, communicate to any other person or publish, or
- (3) have in his possession any document containing, or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say—

- (a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;
- (b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;
- (c) any measures for the defence or fortification of any place on behalf of His Majesty;
- (d) the number, description or location of any prisoners of war;
- (e) munitions of war;
- (f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communication with Enemy Agents.

10. No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to public safety or to defence.

Photography, etc.

11. (1) Subject to any exemptions for which provision may be made by order of the Resident Commissioner no person shall, except under the authority of a written permit granted by the Resident Commissioner, or a competent authority—

- (a) have a camera with him in any place in Swaziland to which the public have access, or
- (b) make any photograph, sketch, plan or other representation of any area, or of any part of or object in such area, which may be specified by the Resident Commissioner being an area in relating to which the restriction of photography appears to him to be expedient in the interests of public safety or of defence.

(2) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (1) of this Regulation, it shall be a defence for the defendant to prove that at the time of the contravention application had been made by him (for the first time) for the necessary permit in relation to the camera in respect of which proceedings are taken, and that the application was still pending at that date.

(3) The Resident Commissioner may make such orders as he thinks necessary for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-paragraph (b) of paragraph (1) of this Regulation, shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and such person or authority may, if he thinks it necessary in the interests of public safety or defence so to do, retain or destroy or otherwise dispose of anything submitted as aforesaid.

(4) This Regulation shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

Inventions and Designs.

12. (1) Where, either before or after the coming into force of this Regulation, an application has been made to the Commissioner for Patents for Swaziland for the grant of a patent or the registration of a design, the Resident Commissioner, if satisfied that it is expedient in the interests of defence so to do, may require the Commissioner of Patents for Swaziland to omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by the Resident Commissioner, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Resident Commissioner, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the direction, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of any invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown [whether by virtue of the Patents Proclamation, 1902 (No. 22 of 1902), of the Transvaal as in force in Swaziland or otherwise], the Resident Commissioner may authorise the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of defence or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative.

PART II.

MOVEMENTS AND ACTIVITIES OF PERSONS.

Restriction of Movements of Suspected Persons.

13. (1) The Resident Commissioner, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order for all or any of the following purposes, that is to say:—

- (a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in Swaziland as may be so specified;
- (b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

(2) If any person is in any area in contravention of an order made under this Regulation, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that area by any officer of police or by any person authorised in that behalf by the Resident Commissioner.

Restriction Orders and Detention Orders.

14. (1) The Resident Commissioner, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order:—

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions;
- (c) directing that he be detained;

and so long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such place, and under such conditions, as the Resident Commissioner may from time to time determine, and shall, while so detained, be deemed to be in legal custody.

(2) For the purposes of this Regulation, there shall be one or more advisory committees consisting of persons appointed by the Resident Commissioner, and the chairman of any such committee shall be a person who holds or has held judicial office.

(3) The functions of any such committee shall be to consider, and make recommendations to the Resident Commissioner with respect to, any objections against an order under this Regulation which are duly made to the committee by the person to whom the order relates.

(4) The Resident Commissioner may make rules as to the manner in which objections against such an order as aforesaid may be made to such an advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under this Regulation to make objections against the order either in person or by counsel, solicitor or agent; and every such person shall be informed of his right to make objections under this Regulation.

Interference with His Majesty's Forces, etc.

15. No person shall—

- (1) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or
- (2) do, in relation to any person whom he knows to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged:

Provided that a person shall not be guilty of an offence under this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

Misleading Acts and Misrepresentation.

16. (1) No person shall—

- (a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or
- (b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose, or
- (c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for the purposes connected with the defence of Swaziland or the securing of the public safety, or
- (d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised by or on behalf of the Resident Commissioner, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or
- (e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of Swaziland or the securing of public safety;

Provided that the provisions of sub-paragraph (a) of this paragraph shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

(2) In this Regulation the expression "defence signal" means any signal authorised by or on behalf of the Resident Commissioner to be used for any purpose connected with defence or the securing of public safety.

Change of Name.

17. (1) Except in such circumstances as may be specified by order of the Resident Commissioner, no alien who is in Swaziland on the fourth day of September, nineteen hundred and thirty-nine, shall, while in Swaziland at any time after that day, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before the said day.

(2) Where, after the fourth day of September, nineteen hundred and thirty-nine, any alien carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said day, he shall, for purposes of paragraph (1) of this Regulation, be deemed to be using a name other than that by which he was ordinarily known immediately before the said day.

(3) In relation to any alien who, not having been in Swaziland on the fourth day of September, nineteen hundred and thirty-nine, thereafter arrives in Swaziland, paragraphs (1) and (2) of this Regulation shall have effect as if for any reference in those paragraphs to the said day there were substituted a reference to the day on which he first arrives in Swaziland after the fourth day of September, nineteen hundred and thirty-nine.

(4) For the purposes of this Regulation, the expression "name" shall be construed as including surname and a name shall be deemed to be changed if the spelling thereof is altered.

Causing Disaffection.

18. (1) No person shall—

- (a) endeavour to cause disaffection among any persons engaged (whether in Swaziland or elsewhere) in His Majesty's service, or in the performance of essential services, or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or
- (b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, sub-paragraph (a) of this paragraph, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for an offence against this Regulation shall not be instituted except with the consent of the Attorney-General.

Propaganda.

19. (1) No person shall—

- (a) endeavour, whether orally or otherwise, to influence public opinion (whether in Swaziland or elsewhere) in a manner likely to be prejudicial to defence or the efficient prosecution of the war, or
- (b) do any act, or have any article in his possession, with a view to making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this paragraph shall not be instituted except with the consent of the Attorney-General.

(2) The Resident Commissioner may make provision by order for preventing or restricting the publication in Swaziland of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to defence or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as appear to the Resident Commissioner to be necessary or expedient for the purposes of the order (including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in the order).

(3) Where any person is convicted of an offence against this Regulation by reason of his having published a newspaper, the Resident Commissioner may by order direct that, during such period as may be specified in the order, that person shall not publish any newspaper in Swaziland.

(4) In this Regulation—

- (a) the expression "public opinion" includes the opinion of any section of the public;
- (b) the expression "cinematograph film" includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (c) the expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connection with the exhibition of the film as aforesaid; and
- (d) the expression "newspaper" includes any journal, magazine or other periodical publication.

Unofficial Uniforms, etc.

20. (1) The Resident Commissioner may by order prohibit the wearing or display by any person in public of any distinctive dress or article of apparel or any emblem, being a dress, article or emblem as to which the Resident Commissioner is satisfied that the wearing or display thereof as aforesaid would be likely to cause a disturbance of public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

(2) For the purposes of this Regulation, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

Processions and Meetings.

21. (1) The Resident Commissioner, if satisfied, with respect to any area in Swaziland, that the holding of public processions or of any class of such processions in that area would be likely to cause a disturbance of public order or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

(2) The Resident Commissioner may give directions prohibiting the holding of any meeting as to which he is satisfied that the holding thereof would be likely to cause a disturbance of public order or to promote disaffection.

(3) Any police constable may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this Regulation.

Sabotage.

22. (1) No person shall do any act with intent to impair the efficiency or impede the working of any aircraft, vehicle, machinery, apparatus or other thing used or intended to be used for the purposes of any of His Majesty's forces, or for the purposes of any undertaking engaged in the performance of essential services:

This paragraph shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as it applies in relation to the doing of any act by a person.

(2) Any person convicted by the High Court on indictment of an offence against this Regulation shall be liable to imprisonment for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

Acts done with intent to assist the Enemy.

23. If, with intent to assist the enemy, any person does any act which is likely to assist the enemy or to prejudice the public safety, the defence of Swaziland or the efficient prosecution of the war, then, without prejudice to the law relating to treason, he shall be guilty of an offence against this Regulation and shall, on conviction on indictment, be liable to imprisonment for life.

Prisoners of War, etc.

24. (1) No person shall—

- (a) knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or
- (b) give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.

(2) The Resident Commissioner may by order provide—

- (a) for regulating access to, and the conduct of persons in, places in Swaziland where prisoners of war are detained, and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;
- (b) for prescribing conditions to be observed in connection with the employment of, or the provision of board or lodging for, prisoners of war in Swaziland while elsewhere than in places for the detention of prisoners of war.

(3) This Regulation shall apply in relation to any person in respect of whom there is in force an order for his detention made under this Part of these Regulations as it applies in relation to a prisoner of war.

(4) No proceedings shall be taken, by virtue of this Regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

Entering Enemy Territory.

25. (1) Subject as hereinafter provided, no person being either a British subject or a British-protected person, shall, without the permission of the Resident Commissioner, voluntarily enter any enemy territory or voluntarily go on board any aircraft being used in the service of a Power at war with His Majesty:

Provided that this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Any person convicted by the High Court on indictment of an offence against this Regulation shall be liable to imprisonment for any term not exceeding five years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) In this Regulation the expression "enemy territory" means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a Power at war with His Majesty, but does not include any area in the occupation of His Majesty or of a Power allied with His Majesty.

Entering and leaving Swaziland.

26. The Resident Commissioner may make provision by order for securing that, subject to any exemptions for which provision may be made by the order,—

- (a) no person shall, on coming by air from a place outside Swaziland disembark in Swaziland from any aircraft elsewhere than at a place specified in the order;
- (b) no person shall, for the purposes of proceeding by air to a destination outside Swaziland, embark in Swaziland on any aircraft elsewhere than at a place so specified;
- (c) no person shall proceed from Swaziland to a destination outside it, except under the authority of a written permit granted by such authority or person as may be specified in the order.

Stopping of Aircraft.

27. (1) A competent authority may, if it appears to him to be necessary in the interests of defence so to do, give, with respect to any particular aircraft at a place in Swaziland, directions that the aircraft shall not leave the place until permitted to do so by such authority or person as may be specified in the directions; and if any aircraft leaves or attempts to leave any place in contravention of any such directions as aforesaid, the pilot of the aircraft shall be guilty of an offence against this Regulation:

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by the Resident Commissioner.

(2) An authorised officer may, in relation to any aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this Regulation with respect to the aircraft or, where an offence against this Regulation has occurred in the case of aircraft, for enabling proceedings in respect of the offence to be effectually taken.

Protected Places.

28. (1) If, as respects any premises, it appears to the Resident Commissioner to be necessary or expedient, in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of these Regulations; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as "a protected place".

(2) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Resident Commissioner or by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

Protected Areas.

29. (1) Without prejudice to any other of these Regulations, the Resident Commissioner, if satisfied with respect to any area that it is necessary or expedient, in the interests of defence or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as a "protected area".

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorised officer.

Controlled Areas.

30. Without prejudice to any other of these Regulations the Resident Commissioner may, as respects—

- (a) any protected place or protected area, or
- (b) any place in relation to which it appears to the Resident Commissioner to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions or war,

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and a rule made in relation to any place by virtue of sub-paragraph (b) of this paragraph may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

Trespassing and Loitering.

31. (1) No person shall—

- (a) trespass on, or on premises in the vicinity of, any premises to which this Regulation primarily applies,
- (b) unlawfully enter or board any vehicle or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle or aircraft, or
- (c) trespass on premises in the vicinity of any protected place;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by an authorised officer from the premises or from the vehicle or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or defence, be in, or in the vicinity of, any premises to which this Regulation primarily applies or any such vehicle or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of the person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to public safety or defence.

(3) No person loitering in the vicinity of a protected place, of any premises to which this Regulation primarily applies, or of any such vehicle or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) The premises to which this Regulation primarily applies are premises used or appropriated—

- (a) for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy, or
- (b) for the performance of any essential services.

Control of Highways.

32. The Resident Commissioner, if he considers it necessary in the interests of defence so to do, may by order provide for the stopping up or diversion of any highway, and for prohibiting or restricting the exercise of any right of way.

PART III.

SAFEGUARDING OF COMMUNICATIONS AND VULNERABLE POINTS.

Power to Stop and Search Vehicles.

33. (1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any police constable in uniform or by any member of His Majesty's forces being in uniform and on duty.

(2) If—

- (a) as respects any road vehicle being on a public highway or in a place to which the public have access, or
- (b) upon the overtaking of a road vehicle on any occasion on which the person driving, or in control of, the vehicle has been lawfully required to stop it but has failed to do so,

any police constable or member of His Majesty's forces has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of a war offence, he may search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

(3) In this Regulation the expression "road vehicle" means any vehicle designed or adapted for use on roads.

PART IV.

PASSIVE DEFENCE MEASURES.

Evacuation of Areas.

34. (1) The Resident Commissioner may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in such attack, make, as respects any area in Swaziland, either or both of the following orders, that is to say:—

- (a) an order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified;
- (b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be so specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as practicable, and that after that time no such things or animals shall be brought into the area except under such permission as aforesaid.

(2) An order made under paragraph (1) of this Regulation for the removal of persons or property from any area—

- (a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;
- (b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;
- (c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;
- (d) may make different provision in relation to different parts of the area;

and may contain such other incidental and supplementary provisions as appear to the Resident Commissioner to be necessary or expedient for the purposes of the order.

(3) Where an order is made under this Regulation requiring the removal of any animals or things from any area by a specified time, the Resident Commissioner may, while the order is in force, cause those animals or things, or any of them, to be removed from the area, if the Resident Commissioner is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this Regulation, then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any authorised officer.

(4) If any order made under this Regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this Regulation.

Accommodation for Persons who leave Places exposed to attack, or are otherwise rendered Homeless.

35. (1) If the Resident Commissioner is satisfied that it is necessary that special steps should be taken to provide accommodation for persons who have left or are likely to leave their homes in consequence of or in apprehension of attacks by the enemy, or who have become homeless in consequence of such attacks, he may appoint or authorise the appointment of persons to act under this Regulation subject to any general or special instructions of the Resident Commissioner; and any person acting in pursuance of an appointment under this paragraph may require the occupier of any premises to provide, subject to the following provisions of this Regulation, accommodation in those premises for such persons as the person so acting may assign thereto.

(2) The occupier of any premises shall, if requested so to do by a person acting in pursuance of an appointment under paragraph (1) of this Regulation, furnish to that person such information with respect to the accommodation contained in the premises, and with respect to the persons living therein, as he may require for the purposes of this Regulation.

(3) A person acting in pursuance of an appointment under paragraph (1) of this Regulation may revoke any requirement made under that paragraph with respect to the provision of accommodation in any premises for any person, and may direct that that person shall not thereafter be in those premises except with the consent of the occupier.

(4) The Resident Commissioner, if satisfied that it is no longer necessary that persons or any class of persons should continue to be provided under this Regulation with accommodation in any particular area, may by order—

- (a) revoke, as from a specified date, all requirements made under paragraph (1) of this Regulation with respect to the provision of accommodation for persons or for persons of that class, as the case may be, in the said area, and
- (b) direct that on and after that date no person, or, as the case may be, no person of that class, shall be in any premises in the said area to which he has been assigned under this Regulation, except with the consent of the occupier of those premises.

(5) If any person contravenes or fails to comply with any requirement, direction or order made or given under this Regulation, he shall be liable to a fine not exceeding fifty pounds.

(6) In this Regulation the expression "accommodation" means shelter, with reasonable access to such water supply and sanitary conveniences as are available to the occupier of the premises.

PART V.

GENERAL AND SUPPLEMENTARY.

Special Police Forces.

36. (1) The Resident Commissioner, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may by order provide—

(a) for the constitution of a special police force for any such area in Swaziland as may be specified in the order, for the appointment of persons as members of that special police force and for enabling members of existing police forces to serve with the special police force;

(b) for securing that the said special police force shall be under the control of such person as may be specified in the order, and for conferring on that person, in relation to the said area, all or any of the powers and duties of a senior officer of police;

and any such order may contain such incidental and supplementary provisions (including provisions for modifying or adapting any Proclamation or Regulations relating to any police authority or police force) as appear to the Resident Commissioner to be necessary or expedient for the purposes of the order.

(2) All persons being members of a special police force constituted for any area by an order under this Regulation shall have all the powers of police constables.

Power to Arrest Without Authority.

37. Any officer of police, any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Resident Commissioner to act under this Regulation may arrest without warrant any person whom he has reasonable ground for suspecting to have committed a war offence.

Identification of Persons in Custody.

38. The Resident Commissioner may make rules authorising the taking, in relation to any person in custody whom an officer of police has reasonable grounds for suspecting to have committed a war offence, of all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

Power to Obtain Information.

39. Without prejudice to any special provisions contained in these Regulations, any person shall, on being requested by a competent authority so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the competent authority considers it necessary or expedient in the interests of public safety, defence or the efficient prosecution of the war to obtain or examine.

Affixing of Notices.

40. Any authorised officer may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises or vehicle, and may, for the purpose of exercising any power conferred by this Regulation, enter any premises at any time; and where any authorised officer affixes a notice, or causes a notice to be displayed, in pursuance of this Regulation, no person other than an authorised officer shall remove, alter, deface or obliterate the notice.

False Statements.

41. If any person—

(1) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(2) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these Regulations to make,

he shall be guilty of an offence against that Regulation.

Obstruction.

42. No person shall obstruct any servant of His Majesty, a police constable acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with defence or the securing of the public safety.

Restrictions on Disclosing Information.

43. No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or byelaw made under these Regulations, disclose that information except with permission granted by the Resident Commissioner.

Licences, Permits, etc.

44. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any police constable or by any authorised officer, produce the permit, licence or permission, as the case may be, to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence against this Regulation.

(3) Any licence, permit or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Fees for Licences, etc.

45. There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these Regulations, or any order made under any of these Regulations, such fee, not exceeding five pounds, as the Resident Commissioner may by order determine.

Billeting.

46. (1) A competent authority may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice"), requiring the occupier of those premises to furnish therein, until further notice or during such period as may be specified in the billeting notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct) for such number of persons as may be so specified, being either persons in the service of His Majesty or persons who are in the service of a local authority and are engaged in the performance of essential services.

Every billeting notice must, in order to be of any effect for the purposes of this Regulation, define by reference to the particular service or services in which they are engaged the persons for whom accommodation is required by the notice.

(2) The lodging or food to be furnished in accordance with a billeting notice, and the price to be paid in respect of any accommodation so furnished in any premises, shall be such, and shall be paid to the occupier of the premises by such authority, as may be determined by order of the Resident Commissioner.

(3) If the occupier of any premises feels aggrieved by the requirements of any billeting notice, he may, within fourteen days from the beginning of the day on which the notice is served on him, complain to a Subordinate Court, and thereupon the court, if satisfied that the furnishing of accommodation in accordance with the notice would otherwise impose an undue burden upon the occupier, may by order annul the notice or direct that it shall have effect subject to such modifications as may be specified in the order.

(4) The penalty to which a person guilty of an offence under this Regulation shall be liable shall be a fine not exceeding fifty pounds.

Power to Enter and Search Premises.

47. (1) If a District Commissioner or Assistant District Commissioner is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorising any officer of police or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other police constables or members of His Majesty's forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

(2) If, with respect to any premises, any officer of police of a rank not lower than that of superintendent, or any person authorised by the Resident Commissioner to act under this paragraph, has reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises, and is satisfied—

- (a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining that evidence, and
- (b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search and seizure in relation to the premises as might be conferred under paragraph (1) of this Regulation by the warrant of a District Commissioner or Assistant District Commissioner.

(3) No woman shall, in pursuance of a warrant issued under this Regulation, be searched except by a woman.

Attempts to Commit Offences, and Assisting Offenders.

48. (1) Any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be deemed to be guilty of an offence against that Regulation.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

Offences by Corporations.

49. Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Penalties.

50. If any person contravenes or fails to comply with any of these Regulations, or any order or rule made under any of these Regulations or any direction given or requirement imposed under any of these Regulations, he shall be guilty of an offence against that Regulation; and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—

- (1) on conviction before a Subordinate Court, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or
- (2) on conviction before the High Court, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

Legal Proceedings.

51. Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in Swaziland having jurisdiction in the place where that person is for the time being.

Disposal of Articles in Possession of Executive Authorities.

52. (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of a war offence, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this Regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this Regulation is hereafter in this Regulation referred to as "a retained article".

(2) Where proceedings are taken in respect of a war offence, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may make an order

- (a) authorising the destruction or disposal of the article, or
- (b) authorising the further retention of the article until such date as may be specified in the order;

and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of Swaziland.

(3) Without prejudice to the operation of paragraph (2) of this Regulation, a Subordinate Court upon complaint made in respect of a retained article by an executive authority may, after giving to the person (if any) claiming, or appearing to the court to be, the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by paragraph (2) of this Regulation.

(4) A court shall not make an order under this Regulation unless the court is satisfied that it is necessary so to do in the interests of public safety, defence or the efficient prosecution of the war.

(5) Where an order is made under this Regulation authorising the further retention of an article, paragraph (1) of this Regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by paragraph (2) or paragraph (3) of this Regulation.

(6) Where, in the course of any proceedings for an offence, an order is made under paragraph (2) of this Regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under paragraph (3) of this Regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to the High Court, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this Regulation authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) For the purposes of this Regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(10) For the purposes of this Regulation, any authority, police constable or other person whatsoever having functions in connection with the execution of these Regulations shall be deemed to be an executive authority.

(11) Nothing in this Regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this Regulation.

Recovery of Expenses.

53. Where any work is done in the exercise of powers conferred by any of these Regulations, then, if and so far as the work was work which, apart from the provisions of these Regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown.

Entrusting of Functions to Statutory Bodies.

54. A provision made in, or a direction or determination made or given in pursuance of, any of these Regulations or any order under these Regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the Regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under a Proclamation; and any such body corporate to whom any functions are entrusted under or by virtue of these Regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these Regulations, is imposed by any Proclamation or other instrument determining the functions of that body.

Publicity for Orders.

55. When any order is made under the provisions of these Regulations, the Resident Commissioner, or other authority issuing the order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the order.

Service of Notices.

56. Without prejudice to any special provisions contained in these Regulations, a notice to be served on any person for the purposes of any of these Regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and Variation of Orders, etc.

57. Any power conferred by any of these Regulations to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Powers of Resident Commissioner.

58. The powers conferred by these Regulations shall be in addition to and not in derogation of any other rights or powers vested in the Resident Commissioner, or conferred by law on any other authority or person.

Liability for Offences.

59. Nothing in these Regulations shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with these Regulations:

Provided that no person shall be punished twice for the same act or omission.

PART VI.

INTERPRETATION AND TITLE.

Interpretation.

60. (1) For the purposes of these Regulations, unless the context otherwise requires—

“aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;

“ammunition” has the same meaning as in the Swaziland Arms and Ammunition Proclamation, 1908, and shall include cannon ammunition;

“enemy alien” means a person who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty;

“essential services” means such services as may for the time being be declared by order of the Resident Commissioner to be of public utility or to be essential for the prosecution of the war or essential to the life of the community;

“explosive” has the same meaning as in the Explosives Ordinance, 1905, (No. 4 of 1905), of the Transvaal as of force in Swaziland;

“firearm” has the same meaning as in the Swaziland Arms and Ammunition Proclamation, 1908, and shall include cannon;

“officer of police” means a police officer of or above the rank of Assistant District Superintendent;

“photographs” includes any photographic plates, photographic films or other sensitised articles which have been exposed in a camera, whether they have been developed or not;

“postal packet” has the same meaning as “postal article” as in the Post Office Administration and Shipping Combinations Discouragement Act, 1911, of the Union of South Africa as applied to Swaziland by Proclamation No. 29 of 1916;

"telegram" means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

"the war" means any war in which His Majesty may be engaged;

"war offence" means—

- (a) treason, in so far as it consists in adhering to the King's enemies, giving them aid and comfort;
- (b) an offence of trading with the enemy;
- (c) an offence under any of the provision of the Official Secrets (Swaziland) Proclamation, 1922, as amended;
- (d) an offence against any of these Regulations;
- (e) an offence against any Order in Council or order made under the Air Navigation Acts, 1920 and 1936;
- (f) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any offences specified in paragraph (a) to (e) of this definition;

"wireless transmitting apparatus" means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and "wireless receiving apparatus" means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these Regulations to the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the aircraft.

(3) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these Regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(4) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to the Regulation, as amended by any subsequent Regulations made under the Swaziland Emergency Powers (Defence) Proclamation, 1939.

Competent Authority.

61. (1) The Competent Authority shall be the person appointed by the Resident Commissioner in writing for the purposes of all or any of the Regulations in which such expression occurs, and any person so appointed is in these Regulations referred to as the Competent Authority.

(2) Where the holder of a designated office has been appointed to be the Competent Authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Authorised Officer.

62. An "authorised officer" means any officer of police, and also the following persons—

- (a) For the purposes of Regulations 3, 27, 28, 29, 31, 34, 40, 44, a person holding a commission in any of His Majesty's forces.
- (b) For the purposes of Regulation 2, a Customs Officer.

Short Title and Commencement.

63. These Regulations may be cited as the Swaziland Defence Regulations, 1939, and shall come into operation on the fourth day of September, 1939.

(Printed by the Government Printer, Pretoria.)

NOTICE.

Notice is hereby given that an application by WILLIAM HUTCHINSON of P.O. Pigg's Peak, for a general dealer's licence in respect of premises to be erected on Native Area No. 5, will be heard at the Court-house, Pigg's Peak, at 10 a.m. on Friday, 29th September, 1939.

Any objections must be lodged, in writing, at the office of the undersigned, as well as with the applicant, not later than the 24th September, 1939.

H. J. STEWARD,
Assistant District Commissioner.

Pigg's Peak, Swaziland,
1st September, 1939.

NOTICE.

Estate late JOHANNES GEORGE VAN RENSBURG, who died at Quthing on the 14th day of May, 1939 [surviving spouse MARIA VAN RENSBURG (born YSOAOLE)], (No. 343).

Creditors and Debtors in the above Estate are hereby required to file their claims with and pay their debts to the undersigned within thirty days of the publication of this Notice.

JOHN MOSS,
Executor Dative.

Moyeni, Quthing, Basutoland.

THE RAILWAY COMMISSION OF SOUTHERN RHODESIA, NORTHERN RHODESIA AND THE BECHUANALAND PROTECTORATE.

Notice is hereby given that the Rhodesia Railways, Limited, has applied to the Railway Commission for approval of the undermentioned railway rates, viz.:—

Soaps, brilliantine, candles, face cream and snows and other toilet articles, and clothing, locally manufactured at Broken Hill and consigned northwards therefrom be charged at distribution rates computed as under:—

At the "In Transit" rate from Umtali to final destination less the "In Transit" rate from Umtali to Broken Hill, plus an interception fee of 6d. per 100 lb. subject to no higher charge than the local rate.

Any person who desires to submit for consideration by the Commission an objection to the above proposal is required to lodge a written Notice of Objection with the Secretary of the Commission at his office in the Mutual Buildings, 92, Main Street, Bulawayo, on or before the 30th September, 1939.

Copies of the application may be obtained from the Office of the Commission.

J. S. H. GRANT,
Secretary.

Bulawayo, 1st September, 1939.

NOTICE.

Notice is hereby given in terms of section four, sub-section (1) of the Registration of Businesses (Swaziland) Proclamation, 1933, that the General Dealers' Licence registered at Vlakhoek on 30/5/39 under the business name of Vlakhoek Store in the name of Isaja Diamond will shortly be transferred to Richard Godeffroy.

1-8-15.

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Staatskoerant

VAN DIE

UNIE VAN SUID-AFRIKA

(Verskyn elke Vrydag.)

ADVERTENSIE TARIWE.

WETLIKE KENNISGEWINGS, Verlore Aktes, Sertifikate, Polisse, ens., Kennisgewings van Geregsbodes, en in verband met Handelsmerke, Orders van die Hof, Boedel-oorgawes, Tenders en Verkopings, Maatskappye, ens.

Die advertensietarief is as volg:—

- 5s. per duim, enkele kolom; herhalings, 3s.
- 10s. per duim, dubbele kolom; herhalings, 6s.
- 15s. per duim, driedubbele kolom; herhalings, 9s.

Om die ruimte wat 'n advertensie sal beslaan, by benadering te bereken, moet adverteerders die woorde in die advertensie tel en reken—

- Vir enkele kolom, 6 woorde per reël;
- Vir dubbele kolom, 14 woorde per reël;
- Vir driedubbele kolom, 21 woorde per reël;
- en 8 reëls per duim.

In elke geval moet 'n ekstra half-duim aan die bo- en onderkant bereken word vir die titel en ondertekening respektiewelik. **Gedeeltes van 'n duim moet as 'een volle duim gereken word.**

KENNISGEWING IN SAKE UITGESTORWE BOEDEL.

Kennisgewings aan krediteure en debiteure in die boedels van oorlede persone en kennisgewings van eksekuteurs betreffende likwidasierekenings wat ter insae lê, word gepubliseer in skedulevorm teen 8s. per boedel.

KENNISGEWINGS IN SAKE DIE INSOLVENSIEWET.

'n Vaste bedrag van 12s. per boedel word bereken vir die publikasie in skedulevorm van kennisgewings voorgeskrewe deur die regulasies opgestel ingevolge die Insolvensiewet, 1916 en 1936.

LET WEL.—In die geval van vorms 3 en 4 moet adverteerders die woorde in die advertensie tel en reken: 12s. vir die eerste 36 woorde (of gedeelte daarvan) en 2s. vir elke addisionele 12 woorde (of gedeelte daarvan).

KENNISGEWINGS IN SAKE PATENTE.

Kennisgewings van aanneming van volledige spesifikasies met betrekking tot aansoeke om oktrooibriewe word vir 10s. in drie agtereenvolgende uitgawes geplaas.

KENNISGEWINGS IN SAKE NATURALISASIE.

Aansoeke om naturalisasie word vir 13s. geplaas, watter bedrag 'n eksemplaar van die *Staatskoerant* insluit.

SLUITINGSUUR.

Adverteerders dien daarop te let dat die sluitingsuur vir die aanneming van kopie vir die *Unie-Staatskoerant* 4 uur n.m. op Woensdag van elke week voor verskyning is. Wanneer openbare feesdae verskyning raak, sal daar 'n spesiale kennisgewing in die *Staatskoerant* geplaas word wat eventuele veranderinge van die sluitingsuur aankondig.

Alleen wetlike advertensies word vir publikasie in die *Staatskoerant* aangeneem en is onderworpe aan die goedkeuring van die Staatsdrukker wat kan weier om advertensies aan te neem of verder te publiseer.

Die Staatsdrukker behou hom die reg voor om kopie te redigeer.

Geen aanspreeklikheid kan aanvaar word vir verliese wat deur uitlatinge of tipografiese of ander foute ontstaan nie.

Die manuskrip van advertensies moet slegs op een kant van die papier geskrywe word en nie op die begeleidende brief nie. **Alle eiename moet duidelik geskrywe word;** ingeval enige naam verkeerd gedruk word tengevolge van onduidelike skrif, kan die advertensie alleen na betaling van die koste van 'n tweede plasing weer gepubliseer word.

Geen advertensie kan geplaas word nie, tensy dit vooruitbetaal is.

Alle tjeks, bankwissels, posorders of poswissels moet uitge-
maak word op naam van die Staatsdrukker, Pretoria, en ge-
kruis wees „Suid-Afrikaanse Reserwebank”. **Alleen tjeks
wat deur die Bank geparafeer is, sal aangeneem word.**

INTEKENGELD.

Die intekengeld vir die *Unie-Staatskoerant* (insluitende die *Offisiële Koerant van die Hoë Kommissaris, Buitengewone Staatskoerante en Byvoegsels*, met Kwartaal-indeks) is as volg:—

- £1 per ses maande (posvry).
- £2 per twaalf maande (posvry).
- Prys per los eksemplaar, 6d.

Intekengelde moet vooruitbetaal word aan die Staatsdrukker, Pretoria, en kan ingaan van die 1ste van enige maand, maar kan nie vir 'n korter tydperk as ses maande aangeneem word nie.

J. J. KRUGER,
Staatsdrukker.

Government Gazette

OF THE

UNION OF SOUTH AFRICA

(Published on Fridays.)

ADVERTISEMENT RATES.

LEGAL NOTICES, Lost Deeds, Certificates, Policies, etc., Messengers' Notices, Trade Marks, Orders of Court, Surrenders, Tenders and Sales, Company Notices, etc.

Rates of advertising are as follows:—

- 5s. per inch single column; repeats 3s.
- 10s. per inch double column; repeats 6s.
- 15s. per inch treble column; repeats 9s.

In order to arrive at the approximate space which an advertisement will occupy, advertisers should count the words in the body of the advertisement, and reckon—

- For single column, 6 words to the line;
- For double column, 14 words to the line;
- For treble column, 21 words to the line;
- and 8 lines to the inch.

In each case an additional half-inch at top and bottom should be allowed for heading and signature respectively. **Fractions of an inch to be reckoned an inch.**

DECEASED ESTATE NOTICES.

Notices to Creditors and Debtors in the Estates of Deceased Persons and Notices by Executors concerning Liquidation Accounts lying for inspection are published in schedule form at 8s. per Estate.

INSOLVENCY ACT NOTICES.

A fixed charge of 12s. per Estate is made for publishing notices in the schedule forms prescribed in the Regulations made under the Insolvency Act, 1916 and 1936.

N.B.—In the case of forms 3 and 4, advertisers should count the words in the advertisement and reckon: 12s. for the first 36 words (or portion thereof) and 2s. for every additional 12 words (or portion thereof).

PATENT NOTICES.

Notices of acceptance of complete specifications in respect of Applications for Letters Patent are inserted in three consecutive issues for 10s.

NATURALIZATION NOTICES.

Applications for Naturalization are inserted for 13s. (which includes a copy of the *Gazette*).

CLOSING HOUR.

Advertisers should observe that the closing hour for the acceptance of "copy" for the *Union Gazette* is 4 p.m. on Wednesday of each week preceding publication. When Public Holidays affect publication, a special notice will appear in the *Gazette* notifying any change in the closing hour.

Only Legal Advertisements are accepted for publication in the *Gazette*, and are subject to the approval of the Government Printer, who can refuse to accept or decline further publication of any advertisement

The Government Printer reserves to himself the right to edit "copy".

No responsibility can be accepted for losses arising from omissions or typographical errors.

Manuscript of advertisements should be written on one side of the paper only and not as part of the covering letter. **All proper names must be plainly inscribed;** in the event of any name being incorrectly printed as a result of indistinct writing, the advertisement can be republished only on payment of the cost of another insertion.

No Advertisement can be inserted unless it is Prepaid.

All cheques, bank drafts, postal orders, or money orders must be made payable to the Government Printer, Pretoria, and crossed "South African Reserve Bank". **Cheques will only be accepted when initialed by the Bank.**

SUBSCRIPTION RATES.

The subscription rates to the *Union Gazette* (including *Official Gazette of the High Commissioner, Gazettes Extraordinary, and Supplements*, with Quarterly Index) are as follows:—

- £1 for six months (post free).
- £2 for twelve months (post free).
- Price per single copy, 6d.

Subscriptions are payable in advance to the Government Printer, Pretoria, and may commence from the 1st of any month, but cannot be accepted for a shorter period than six months.

J. J. KRUGER,
Government Printer.