

BECHUANALAND PROTECTORATE.

No. 25 of 1934

(Promulgated 6th July, 1934.)

PROCLAMATION

By His Excellency the High Commissioner

Providing for the imposition of a tax on the premium on the sale of gold produced in the Bechuanaland Protectorate.

Whereas it is expedient to provide for the imposition of a tax on the premium on the sale of gold produced in 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:—

1. In this Proclamation unless inconsistent with the context—

"current market rate means—

- (a) if the gold taxable in terms of this Proclamation has been sold on the open London bullion market, the price per ounce realized by such sale; or
- (b) if such gold had been sold elsewhere than on the London bullion market aforesaid, the mean price per ounce ruling on such London market on the day of such sale; or
- (c) if such gold has not been sold, the mean price per ounce ruling on such London market on the thirtieth day following the last day of the month in respect of which the output of such gold was declared;

"gold premium" means the difference between the current market rate and eighty-five shillings;

"mining right" means any right to work gold granted or acquired either directly or indirectly;

"ounce" means an ounce of fine gold;

"output" means the amount of gold stated in ounces won monthly by an owner as in this section defined;

"owner" means the registered holder of any mining right a lessee or tributor of such right and in the absence of registration the person in charge of any working where gold is being won;

"tax" means the tax levied and payable in terms of this Proclamation.

2. A tax amounting to fifteen per centum of the gold premium shall be levied and paid on all gold won by every owner during the year ending on the thirtieth day of June, 1935.

3. Every owner shall—

- (a) furnish a sworn declaration of his output, if any, for each calendar month, which declaration shall contain—
- (i) the full name and address of the declarant;
 - (ii) a full and accurate description of the situation of the mining right or the registered number and date of the mining right, as the case may be;
 - (iii) the output in ounces;
 - (iv) the period covered by the declaration;
- (b) within sixty days of the last day of the month in respect of which he has won any gold pay the tax to the Resident Magistrate of the district in which such mining right is situate or in such other manner as may be determined by the Resident Commissioner.

4. Notwithstanding anything to the contrary contained in the Bechuanaland Protectorate Insolvency Proclamation, 1929, any tax due and payable under the provisions of this Proclamation, shall, if the estate of any taxpayer is sequestrated, be a first charge upon the assets of such insolvent estate.

5. The High Commissioner may make regulations not inconsistent with this Proclamation for the better carrying out of its purposes and prescribe penalties for any breach of such regulations provided that in no case shall any such penalty exceed the penalty prescribed in section six of this Proclamation.

6. Any person who contravenes any provision of this Proclamation shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and imprisonment, and in addition the Court imposing such penalty may give summary judgment for the amount of any tax due.

7. This Proclamation may be cited as the Bechuanaland Protectorate Gold Premium Taxation Proclamation, 1934, and shall be deemed to have had force and to have taken effect from the first day of July, 1934.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of June One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency the
High Commissioner.

SHIRLEY EALES,
Administrative Secretary.