

HIGH COMMISSIONER'S NOTICE No. 84 of 1937.

It is hereby notified for general information that, under and by virtue of the powers in him vested by sub-section (4) of section *thirteen* of the Bechuanaland Protectorate Merchandise Marks Proclamation, 1937, 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,  
Capetown, 22nd April, 1937.

REGULATIONS.

1. Goods prohibited to be imported, as having applied to them forged trade marks, false trade descriptions, or figures, letters, marks, names, words, or descriptions otherwise illegal, which upon examination may be detected by the Officers of Customs, are to be detained by them without the requirement of previous information.

2. In giving information with a view to detention, an informant must fulfil the following conditions, viz.:—

- (a) He must give to the Director of Customs or a Customs officer at the port of entry or expected importation, notice in writing, stating: The marks and numbers, or other descriptions sufficient for their identification of the packages and goods, the mode of conveyance, the manner in which the goods infringe the Proclamation, and the expected day of the arrival of the goods.
- (b) He must deposit with the Director of Customs a sum sufficient in the opinion of that officer to cover any additional expense which may be incurred in the examination required by reason of his notice.

3. If upon arrival and examination of the goods, the Director of Customs is satisfied that there exists no ground for their detention, they will be delivered. If he is not satisfied, he will decide to detain the goods, as in a case of detention upon ordinary examination, or to require security from the informant for reimbursing him or his officers all expenses and damages incurred in respect of the detention made on the information given and of any proceedings consequent thereon.

4. The security thus required must be an immediate *ad valorem* deposit of ten pounds per centum on the value of the goods as fixed by the officer from the quantities or value as shewn by the entry (or as may be assessed on examination) and also subsequently a bond to be completed within four days in double such value of the goods with two approved sureties. The *ad valorem* deposit will be returned upon due completion of the bond, and need not be required to be made

at all if, as an alternative, where time permits, the informant prefers to give a like bond, before examination, upon the estimated value of the goods declared to by him, under solemn declaration and approved by the Director of Customs. If the security is not duly given, as above required, there will be no further detention of the goods.

5. The "notice" and "bond" required as above shall be in the forms contained in the Schedule to these regulations or in such other form as the Director of Customs may from time to time order and direct.

6. The security taken under these regulations will be given up at the times following, that is to say:—

(a) Where given before examination, and if no detention follow, forthwith;

(b) Where given on detention:—

(1) If the forfeiture is completed either by lapse of time or ultimate condemnation by a competent court, then on such completion or forfeiture.

(2) If the forfeiture is not completed then (a) if the goods are released by the Director of Customs and no action or suit has been commenced against him or any of his officers in respect to the detention, then, at the expiration of three calendar months from the time of detention; or if the goods are released for failure of proceedings taken under any provision of the Bechuanaland Protectorate Customs Management Proclamation, 1914 (No. 84 of 1914) for the forfeiture and condemnation thereof, and no action or suit has been commenced against the Director of Customs or any of his officers in respect of the detention, then at the expiration of three calendar months from the ultimate conclusion of such proceedings; (b) if within the periods aforesaid any such action or suit aforesaid has been commenced, then upon the ultimate conclusion of such action or suit and on the fulfilment of the purpose for which the security was given.

7. Where on the examination or detention of goods imported into the Territory, the officers of Customs may find that they bear trade descriptions or figures, letters or marks or names, or any words in any language calculated to lead to the belief that they were manufactured not in the country whence imported, unless the said descriptions, etc., wherever they may be applied to the goods be also accompanied by definite statements in close proximity thereto, and in equally indelible, irremovable, and conspicuous form, indicating the country where they were really manufactured, then before delivery of the said goods be made, the importer may be required to produce a declaration in writing, made before the British Consul at the port whence imported by the shipper as to the country where the goods were really manufactured and if that be declared to be impracticable, the importer himself may be required to make before the Director of Customs or a Customs officer at the port of importation into the Territory a solemn declaration as to the country of manufacture, and if he fail to produce or make such declaration, the goods shall be taken to be of the manufacture of the place or country whence imported and not of the country which the said descriptions, etc., appear to lead to believe, provided always that the officers of Customs may avail themselves of the aid of experts to give evidence or to assist in verifying any evidence produced by the importers as to the country in which the goods were manufactured.

**SCHEDULE.**

**NOTICE**

To the ..... OF CUSTOMS.  
I hereby give you notice that the following goods, that is to say:—

Marks and Numbers.	Number.	Description of Packages and Goods.	Values and Particulars necessary for Identification.

are about to be imported into your Port of Entry on or about the ..... day of ..... 19... by ..... from ..... and that the said goods are liable to detention and forfeiture under the Bechuanaland Protectorate Merchandise Marks Proclamation, 1937, being .....

That ..... of ..... and ..... of ..... are prepared to become my Sureties in such Bond as may be required on detention of the said goods. And I request that the said goods may be detained and dealt with accordingly. I also herewith tender you the sum of ..... sterling, being ..... pounds per centum on the estimated value of the said goods as a deposit to cover any additional expense which may be incurred in the examination required by reason of this notice.

Dated this ..... day of ..... 19...  
at .....  
A.B. ....  
(or Agent for).....

**BOND**

THE BECHUANALAND PROTECTORATE MERCHANDISE MARKS  
PROCLAMATION, 1937.

Know all men by these presents that we, ..... and ..... and ..... are held and firmly bound unto our Sovereign Lord George VI., by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, in the sum of ..... to be paid to our said Lord the King, His Heirs or Successors. For which payment, well and truly to be made, we bind ourselves, jointly and severally, our heirs, executors, and administrators firmly by these presents.

Dated this ..... day of ..... in the year of our Lord One Thousand Nine Hundred and .....

Whereas the above ....., having by a notice dated the ..... day of ..... informed the Director of Customs or Officer of Customs at ..... that the undermentioned goods, that is to say:—

Marks and Numbers.	Number.	Description of Packages and Goods.

were to be imported to the Port of Entry of ..... contrary to section *thirteen* of the Bechuanaland Protectorate Merchandise Marks Proclamation, 1937, and requested that the said goods should be detained and dealt with accordingly.

And whereas the said goods duly arrived at the said Port of Entry on the ..... day of ..... last by ..... and are now detained pursuant to the said notice: Now the condition of this obligation is such that if the said ..... his executors or administrators shall well and effectually indemnify, save harmless and keep indemnified His Majesty, His Heirs and Successors, and all his and their officers of Customs and their administrators and executors from and against all loss or damage, payment or payments, and all costs or expenses that shall or may be sustained or incurred by reason or on account of any detention of the said goods following upon the information contained in such notice and against any proceedings consequent upon such detention, then this obligation shall be void, otherwise shall be and remain in full force and virtue.

Signed and delivered in the presence

of .....  
 and .....  
 and .....  
 this ..... day of .....

As witnesses: