

## BECHUANALAND PROTECTORATE.

No. 66 of 1937.

(Promulgated 19th November 1937.)

### PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Entitled the Bechuanaland Protectorate, Union, Southern Rhodesia and Northern Rhodesia Trade Regulation Proclamation, 1937.

Whereas it is desirable to regulate the export or removal from the Bechuanaland Protectorate (hereinafter referred to as the Territory) of goods and live stock imported from Southern Rhodesia and Northern Rhodesia.

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

#### *Procedure.*

1. (a) Goods other than the growth, produce or manufacture of Southern Rhodesia or Northern Rhodesia, which have been imported into the Bechuanaland Protectorate from Southern Rhodesia or Northern Rhodesia as the case may be shall not be removed or sold for removal to any other country the Government of which has entered into a customs agreement with the Government of the Bechuanaland Protectorate if the customs duty payable on such goods on entering that country is greater than that charged on entering Southern Rhodesia or Northern Rhodesia as the case may be until the difference of duty has been paid and any regulations controlling and governing such removals have been complied with.

(b) Goods being the growth, produce or manufacture of Southern Rhodesia or Northern Rhodesia which have been imported therefrom into the Bechuanaland Protectorate shall not be removed or sold for removal to any other country the Government of which has entered into a customs agreement with the Bechuanaland Protectorate until the customs duty leviable on such goods on entering that country has been paid and regulations controlling and governing such removals have been complied with.

Provided however that no such goods the importation of which into the Union from Southern Rhodesia or Northern Rhodesia is prohibited save under permit by the Union authorities shall be allowed to be removed or sold for removal from the Protectorate to the Union save under permit from the Union authorities.

(c) Every trader selling goods referred to in paragraphs (a) and (b) hereof shall take reasonable precautions to satisfy himself that the goods sold are for use or consumption within the Territory; and in the case of purchases the total value of which exceeds one pound, he shall take from the purchaser a certificate in the prescribed form to the effect that such purchases are intended for use or consumption within the Territory, which certificate shall be retained by the trader

for a period of six months and be produced by him on demand by any authorized official referred to in section *three*. If such goods are sold for removal to the Union the trader shall, before delivering such goods to the purchaser, obtain payment from him of the difference of duty, or the customs duty leviable (as the case may be) and account therefor to the District Commissioner of his area; or shall obtain from him in lieu of payment of the difference of duty a receipt for that amount issued by any prescribed officer in respect of such payment.

(d) Spirits distilled in the Union of South Africa and imported into the Bechuanaland Protectorate from Southern Rhodesia or Northern Rhodesia shall not be removed or sold for removal to the Union.

*Traders to keep Accounts for Inspection.*

2. Every trader shall keep reasonable books of account and other documents relating to the importation by him of goods or live stock from Southern Rhodesia or Northern Rhodesia, and the export by him of such goods or live stock to the Union. Every such trader shall, if required, at any time during ordinary business hours within a period of two years after the date of importation produce such books or documents to any duly authorized official of the Bechuanaland Protectorate or to any official of the Customs Department of the Union of South Africa being authorized thereto in writing under the hand of the District Commissioner of any District in the Bechuanaland Protectorate.

*Penalties.*

3. Any trader who shall fail to comply with the provisions of section *one* or section *two* or who shall take or accept any certificate which does not contain a correct record of the transaction in question as to quantity, quality or price of the goods sold, or the identity of the purchaser, or in any other respect or who on demand by an official of the Customs Department of the Union in accordance with section *two* shall fail or refuse to allow inspection to be made of the books and documents mentioned therein shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding three months.

*Definitions.*

4. For the purpose of this Proclamation in relation to the export of live stock the term "trader" shall include any person holding a licence under the Purchase of Stock (Bechuanaland Protectorate) Proclamation 1923 or any amendment thereof.

"Live stock" shall mean cattle, sheep, camels, goats, mules, asses, pigs, and any other animal which the High Commissioner may by notice in the *Gazette* declare to be live stock for the purposes of this Proclamation.

*Union includes South West Africa.*

5. For the purposes of this Proclamation and the Regulations under it the Union of South Africa shall be held to include the Mandated Territory of South West Africa.

*Regulations.*

6. The High Commissioner may make regulations governing the removal to the Union of South Africa of goods imported into the Bechuanaland Protectorate from Southern Rhodesia or Northern Rhodesia and any person contravening or failing to comply with such regulations shall be liable on conviction to the penalty provided in section *three*.

*Repeal.*

7. Proclamation No. 23 of 1930 shall be and is hereby repealed.

*Short Title and Date of Commencement.*

8. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate, Union, Southern Rhodesia, and Northern Rhodesia Trade Regulation Proclamation, 1937, 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 Twelfth day of November, One thousand Nine hundred and Thirty-seven.

W. H. CLARK,  
High Commissioner

By Command of His Excellency the  
High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.