

# BECHUANALAND PROTECTORATE.

No. 67 of 1937.

(Promulgated 26th November, 1937.)

## PROCLAMATION

By His Excellency THE HIGH COMMISSIONER.

Entitled the Bechuanaland Protectorate Employees' Annual Leave Proclamation, 1937.

Whereas it is expedient to make provision for the granting of annual leave to shop employees in 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:—

### *Interpretation.*

1. In this Proclamation unless inconsistent with the context—

“employee” means any person employed by any other person in or about a shop, but shall not include a person employed solely as a timekeeper or caretaker or any person employed solely for cleaning purposes or for the prevention of fire;

“shop” means any place set apart temporarily or permanently for the sale of movables by wholesale or retail, and whether by auction or not, and shall include a hair-dresser's or barber's saloon, a café or restaurant room, a bottle store or bar where intoxicating liquors are sold

### *Annual Leave of Absence.*

2. (1) For each year of continuous service in a shop under the same employer an employee shall be entitled to leave of absence for twelve clear working days on full pay, or, in the case of restaurants or similar establishments which are open on Sundays, for fourteen clear working days to be taken in a consecutive period; provided that—

(a) by mutual agreement between the employer and employee such leave may be accumulated by the employee and taken in a consecutive period after two years' continuous service;

(b) the employer may fix the time of leave for the different employees with reasonable regard to the exigencies of his business; and

(c) unless the employer shall have granted to any employee his period of leave at an earlier date, the said leave shall be granted within two months of the termination of any year's or two years' continuous service, as the case may be;

(2) For the purpose of this section the expression “the same employer” shall include (in the case of the death of an employer) his legal representative, heir, or legatee, or (in the case of insolvency or liquidation) the trustee or liquidator, so long as such representative, heir, legatee, trustee or liquidator continues to carry on the business of any shop or other establishment, and to employ such employee therein.

### *Penalty for Contravention of Proclamation.*

3. Any employer contravening any of the provisions of this Proclamation shall be guilty of an offence, and on conviction shall be liable to a fine not exceeding twenty-five pounds for a first offence, and for any second or subsequent offence to a fine not exceeding fifty pounds, and in default of payment to imprisonment for a period not exceeding one month.

*Incidence of Penalty in Case of Companies, etc.*

4. Where any offence against or contravention of the provisions of this Proclamation is alleged to have been committed in respect of any shop owned by any individual or by any joint stock company, firm, syndicate or partnership, then in the case of an individual that individual, and in the case of a joint stock company the managing director or any director thereof, and in the case of any firm, syndicate or partnership any member thereof, shall be liable to the penalties provided in this Proclamation.

*Short Title and Commencement.*

5. This Proclamation may be cited as the Bechuanaland Protectorate Employees' Annual Leave Proclamation, 1937, and shall come into force on the first day of January, 1938.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of November One thousand Nine hundred and Thirty-seven.

W. R. CLARK,  
High Commissioner.

By Command of His Excellency the  
High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.