

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 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 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.

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—

- Cancelled*
- (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.
- 41 (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,

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 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) or 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.

*amended by
H.C.V. 12/4/1*

(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.

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(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.

*revised
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HN
23/40*

all cancelled on HEN 12/47

*Cancelled by HCN
12/41*

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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.

*Sub Sect 229. See sect 3 HCN 98/40
still in force*

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:

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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—

- (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 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;
- (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 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.~~ *submit. by Sect's HCN 98/110*

(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,

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(a) 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;

(b) 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;

(c) 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

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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. cancelled by

~~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.~~

*H.C.N.
12/97*

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.

(1) Amend Sec 43 of the Rules 1942. For (a) See #CN 124/42

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,

(1) For Paras 2 & 3 See Sec 7 HCN 98/40

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.

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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.