

BECHUANALAND PROTECTORATE.

No. 10 of 1939

(Promulgated 24th March, 1939.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Prisons
Proclamation, 1939.

Whereas it is expedient to amend the law relating to Prisons in the Bechuanaland Protectorate (hereinafter referred to as "the Territory");

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

1. Proclamation No. 21 of 1927 as amended ^{Repeal.} by Proclamation No. 68 of 1936 is hereby repealed.

2. The High Commissioner may make, alter ^{Power to} and repeal regulations for the Territory, not ^{make} inconsistent with this Proclamation, for all ^{regulations.} or any of the following purposes:—

- (a) Prescribing the powers of the Resident Commissioner in respect of prisons;
- (b) Prescribing the duties and powers of District Commissioners in respect of prisons;
- (c) Prescribing the duties and powers of medical officers of prisons;
- (d) Prescribing the duties and powers of officers of prisons;
- (e) Prescribing the conduct of officers of prisons;
- (f) For the general government and good management of prisons, the maintenance of discipline therein, and for defining the acts or omissions which shall be deemed to be offences against discipline, and for the treatment of prisoners;
- (g) Prescribing the mode of supplying food and determining the scales of diet and quantity of clothing and necessaries for prisoners, and prohibiting the disposal by any officer of any articles of kit or equipment;
- (h) For the safe custody of prisoners when at labour or otherwise, including the taking of such steps as the medical officers may think necessary for the preservation of the health of prisoners;

- (i) As to the receipt, detention and custody of money, valuables, or other articles belonging to any prisoner, and defining the conditions under which payment, deposit or delivery of such money, valuables, or other articles shall be made during the period of imprisonment of any prisoner;
- (j) Regulating the introduction into or conveyance out of any prison of any food, drink, clothing, letters, documents, or any other article;
- (k) Prohibiting the supply to any prisoner of any article or thing;
- (l) For the searching of prisoners;
- (m) For the confiscation or destruction of all articles illicitly introduced into any prison, and of all clothing belonging to prisoners which, by reason of its condition or for any other valid reason, it is undesirable to keep;
- (n) As to the admission to any prison of any person other than the officers thereof, and the persons who are or may be detained therein;
- (o) As to the right to petition for, and the procedure for obtaining, mitigation or remission of sentences, and for providing for the supply of food or means of travelling to prisoners on their discharge;
- (p) As to the grant and withdrawal of indulgences and privileges to prisoners, and the days and hours during which work or labour by prisoners may be suspended;
- (q) For the medical examination, measuring, and photographing or taking of other records of prisoners, including detailed personal statistics and histories, and for requiring full and truthful answers to all questions put to such persons with the object of obtaining such statistics and histories;
- (r) As to the manner in which sentences of hard labour, spare diet, corporal punishment, solitary confinement, or any other sentences are to be carried out;
- (s) As to the treatment of persons condemned to death, and the admission or exclusion of any persons from executions, and as to the disposal of the bodies of prisoners who have suffered death by execution or have died in prison;

This is part of the Defence Proc and should follow page 29.

(2) If any person contravenes any directions given by a court under the preceding sub-section, then, without prejudice to the law relating to contempt of court, he shall be liable, on conviction before a Subordinate Court, 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, on conviction on indictment, 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.

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4. Every document purporting to be an instrument made or issued by the High Commissioner or other authority or person in pursuance of any provision contained in, or having effect under, Defence Regulations, and to be signed by or on behalf of the said High Commissioner, authority or person, shall be received on evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that High Commissioner, authority or person.

Proof of instruments.

5. The powers conferred by or under this Proclamation shall be in addition to, and not in derogation of, the powers exercisable by virtue of the prerogative of the Crown.

Saving of prerogative powers.

6. This Proclamation may be cited as the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939, and shall be deemed to have come into operation on the fourth day of September, nineteen hundred and thirty-nine.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.