

## BECHUANALAND PROTECTORATE.

No. 28 of 1939.

(Promulgated 4th August, 1939.)

### PROCLAMATION

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

Whereas it is desirable to make provision for the control of Sleeping Sickness 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. The High Commissioner may from time to time, by Notice in the *Gazette*, apply this Proclamation to such area or areas in the Territory as he shall deem expedient.

Proclamation to apply only to specified areas.

2. In this Proclamation, unless the context otherwise requires—

Interpretation.

"cattle" includes sheep and goats and the young of any sheep and goats;

"District Commissioner" includes any administrative officer with jurisdiction in the area concerned and any person to whom the District Commissioner has delegated his powers subject to such restrictions as the District Commissioner may have imposed;

"Document" means any certificate, pass issued under this Proclamation and regulations;

"Medical Officer" means any Medical Officer appointed to carry out the duties imposed by this Proclamation or by the regulations upon an examining officer, and includes any person whom such Medical Officer authorises to carry out any such duties;

"*glossina*" means any species of tsetse fly;

"invalid document" means a document which under this Proclamation or the regulations is cancelled, or which is no longer required to be retained, or which is not genuine;

"regulations" means regulations made under section *twenty-one* of this Proclamation;

“ road ” includes any path, track or route;  
“ sleeping sickness ” means any form of human trypanosomiasis;  
“ vessel ” means any kind of vessel howsoever propelled used in navigation.

Com-  
pulsory  
examina-  
tion of  
persons  
infected or  
suspected  
to be  
infected  
with  
sleeping  
sickness.

3. Any examining officer may require any person whom he knows or suspects to be infected with sleeping sickness to submit himself for medical examination at such place and time as the examining officer may direct, and any person who, on being so required, neglects or refuses so to present himself shall be guilty of an offence.

Com-  
pulsory  
treatment  
of persons  
infected  
with  
sleeping  
sickness.

4. Any examining officer who finds any person to be infected with sleeping sickness may require such person to submit himself for treatment at such time and place as the examining officer may direct, and any person who, on being so required, refuses or neglects to submit himself or to continue so to submit himself shall be guilty of an offence.

#### SLEEPING SICKNESS AREAS.

Declara-  
tion of  
sleeping  
sickness  
areas.

5. When sleeping sickness is found or is likely to break out in any part of the Territory the High Commissioner may, by Notice in the *Gazette*, define such part and declare it to be a sleeping sickness area.

Employers  
to grant  
facilities  
for  
inspection  
and  
treatment  
of their  
employees.

6. In any sleeping sickness area an examining officer may require any employer to grant reasonable facilities for the examination and treatment of his employees, and any employer who refuses or fails to grant such facilities shall be guilty of an offence.

Persons  
resident in  
sleeping  
sickness  
areas to  
furnish  
personal  
particulars.

7. (1) Any District Commissioner may require any person resident in a sleeping sickness area to furnish him with such personal particulars as the Resident Commissioner from time to time may specify by order: Provided that the Resident Commissioner may by notice exempt all or any of the residents or any class of residents in any sleeping sickness area or in any defined portion of any sleeping sickness area from the provisions of this sub-section.

(2) Any person who refuses or fails without reasonable excuse to furnish any such particulars as he may be required to furnish, or makes any statement concerning such particulars which he knows to be false, shall be guilty of an offence.

8. (1) When any District Commissioner in charge of a district is informed in writing by the Principal Medical Officer or by any Medical Officer authorised in that behalf by the Principal Medical Officer that conditions conducive to an outbreak of or the spread of sleeping sickness exist on any land in his district situated within a sleeping sickness area he may serve or cause to be served on the owner or occupier a notice requiring him to remedy such conditions or to take such action as may be prescribed to remedy them.

Owners or occupiers of land required to take measures to prevent outbreak or spread of sleeping sickness

(2) If the owner or occupier upon whom any notice authorised by the preceding subsection has been served refuses or fails without reasonable excuse to carry out any of the measures therein prescribed he shall be guilty of an offence, and the District Commissioner may enter or authorise any person to enter upon the land there to carry out the prescribed measures, and the expenses incurred shall be recoverable from the person upon whom the notice was served.

9. (1) Subject to the provisions of any law for the time being in force, the Resident Commissioner may, for the purpose of arresting or preventing the outbreak or spread of sleeping sickness in any sleeping sickness area, issue orders—

Administrative orders for the suppression or prevention of the spread of sleeping sickness

- (a) directing the making and maintenance of protective clearings;
- (b) prohibiting persons from residing in, assembling at, resorting to, or frequenting particular places;
- (c) prohibiting persons from journeying along any specified road or along any other than a specified road;
- (d) directing persons resident within or visiting the area to move either temporarily or permanently outside the area or from any one place to any other place within the area;
- (e) prohibiting persons in charge of vessels from navigating them along any specified route or along any other than a specified route;
- (f) prohibiting persons from landing from or embarking in any vessel at any specified place or at any other than a specified place;
- (g) directing persons moving cattle into, within or through the area to proceed along specified roads, and prescribing the number of any such animals which may be driven by any single person;

- (h) prohibiting the sale of cattle at any specified place or at any other than a specified place.
  - (i) providing for the registration and use of all vessels or any class of vessel.
- (2) Any person who in disregard of any order issued under this section and applicable to himself does any act which he is prohibited from doing or omits to do any act which he is required to do thereunder shall be guilty of an offence.

**RESTRICTED AREAS.**

Declaration of restricted areas

10. When the Resident Commissioner is satisfied that permanent residence in or frequent resort to any sleeping sickness area or any part thereof is undesirable on account of the difficulty of protecting persons therein from contact with *glossina* he may declare such sleeping sickness area or any part thereof to be a restricted area.

Persons not to enter restricted areas without permission.

11. Any person who enters a restricted area without a permit issued to him by a District Commissioner authorising such entry shall be guilty of an offence.

Medical examination prior to entry into restricted area.

12. (1) If any person desires to enter a restricted area he shall, not more than one month before the date of his intended entry, present himself for examination to an examining officer.

(2) If the examining officer is of opinion that the condition of the examinee justifies the issue of a permit the District Commissioner may, subject to the provisions of the next succeeding section, issue the permit; but if the examining officer is of the contrary opinion the District Commissioner shall refuse to issue the permit.

Applicant must furnish such information regarding the reason of his entry as may be required.

13. (1) Any person applying for a permit to enter a restricted area shall furnish such information as to the purpose of his entry into the restricted area as the District Commissioner to whom he makes his application may require.

(2) If any person on being required, as aforesaid to furnish information, states what he knows to be false or does not believe to be true, the District Commissioner may refuse to issue the permit, or if such permit has already been issued, the resident Commissioner may cancel the same and it shall be deemed not to have been issued. Any person aggrieved by refusal on the part of a District Commissioner may appeal to the Resident Commissioner.

14. The issue of a permit may be made subject to such conditions as the District Commissioner may prescribe for the purpose of preventing the spread of sleeping sickness, and, in particular, may include a direction that the holder shall present himself to an examining officer for examination within fourteen days after leaving the restricted area.

Issue of permits may be subject to conditions

15. Every permit to enter a restricted area shall be retained by the person to whom it has been issued until that person leaves the area or obtains a fresh permit.

Permits to be retained

#### GENERAL.

16. Any person who—

- (1) without authority alters or causes to be altered any document with intent that it should appear to have been issued under this Proclamation or the regulations in that altered form, or uses the document so altered with that intent; or
- (2) knowingly uses an invalid document for any purpose for which a document is required under this Proclamation or the regulations; or
- (3) transfers any document to any person to whom such document has not been issued with intent that the transferee should use it for any purpose for which a document is required under this Proclamation or the regulations, or, uses any document so transferred with that intent,

Improper dealings with documents

shall be guilty of an offence and shall be liable in respect of each offence to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a period not exceeding twelve months, or to both such fine and imprisonment.

17. Any person who on the demand of a District Commissioner, or of any person authorised in that behalf by a District Commissioner, or of a Medical Officer officiating within the district to which he has been appointed, or of any police officer, refuses or fails, without reasonable excuse, to produce any document of which he is required to be in possession by this Proclamation or the regulations shall be guilty of an offence.

Documents to be produced on demand.

18. A District Commissioner, a police officer or any person authorised in that behalf by a District Commissioner may arrest without warrant any person whom he knows or

Arrest without warrant.

reasonably suspects to have committed any offence against this Proclamation or against the regulations, other than an offence against section *eight* of this Proclamation: Provided that where such arrest is made by any person other than a police officer he shall, without unnecessary delay, make over the person arrested to a police officer or take him to the nearest police station or bring him before a court having jurisdiction in respect of the offence.

General  
penalty

19. Any person committing or attempting to commit any offence against this Proclamation shall, where no special penalty is provided, be liable in respect of each offence to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Exemption  
of Govern-  
ment  
officials

20. Nothing in this Proclamation shall preclude or restrict any person in the service of the Government or of any native administration, and his personal servants when in attendance on him, from entering any restricted area when engaged in the performance of his official duty.

Power of  
of the  
High Com-  
missioner  
to make  
regulations.

21. The High Commissioner may make regulations prescribing the form of any document required by this Proclamation or the regulations, and, generally, for carrying into effect the purposes and provisions of this Proclamation.

Short  
title and  
commence-  
ment.

22. This Proclamation may be cited as the Bechuanaland Protectorate Sleeping Sickness Proclamation, 1939, 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 Thirty-first day of July, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. LESTER SMITH,  
Acting Administrative Secretary.