

For Restricted Lists see H.C.N. 17/57.

## BECHUANALAND PROTECTORATE.

NO. 41 OF 1939.

(Promulgated 25th September, 1939.)

### PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Exportation and Importation Restriction Proclamation, 1939.

Whereas it is expedient to make provision for controlling the exportation of articles from and the importation of articles into 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. (1) The High Commissioner may from time to time by Notice in the *Gazette* prohibit—

Powers of High Commissioner.

- (a) the exportation from the Territory, either generally or to particular countries or territories, of any articles specified in the Notice, or
- (b) the importation into the Territory, either generally or from particular countries or territories, of any articles specified in the Notice,

save in accordance with permission for such exportation or importation granted under this section.

Power to grant permission.

(2) The Resident Commissioner and any officer authorised thereto by him may grant to any person permission in writing to export or import articles of which the exportation or importation has been prohibited under this section in such quantities and subject to such conditions as may be stated in the permission.

Powers of Resident Commissioner.

(3) It shall be lawful for any officer appointed by the Resident Commissioner or for any European member of a police force lawfully established in the Territory to detain any articles the exportation or importation of which is prohibited or restricted under this Proclamation or any package suspected of containing such articles if it appears necessary to do so for the purpose of enforcing such prohibition or restriction and to examine any such package.

Power to detain and examine articles.

(4) Every officer of Customs shall for the purpose of enforcing such prohibition or restriction be entitled to exercise any power with which he is invested for the protection of the revenue under any Customs law in force in the Territory.

Power to exercise powers of Customs officers.

Penalties. 3. (1) Any person who shall contravene or attempt to contravene any prohibition or restriction imposed under section *one* of this Proclamation or who shall aid or abet any such contravention or attempted contravention, and any person who shall obstruct any officer or member of a police force in the exercise of his powers under section *two* of this Proclamation, shall be guilty of an offence, and shall be liable, on conviction before a Subordinate Court of the First Class, to a fine not exceeding five hundred pounds, and in default of payment to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Forfeiture of articles illegally imported. (2) Any articles imported into the Territory in contravention of this Proclamation shall be forfeited to the Resident Commissioner and any articles which any person may attempt to export from the Territory in contravention of this Proclamation may by order of the court before which such person is convicted be declared to be so forfeited, but such forfeiture shall not be taken to affect or remove any other fine or punishment which may be incurred under this or any other law in force at the time of forfeiture.

Burden of proof. 4. In any prosecution under this Proclamation the burden of proving that due permission authorising the exportation or importation of the articles charged has been obtained shall be upon the accused.

Definition. 5. The term "article" as used in this Proclamation shall include any animal or thing of any description whatsoever.

Short title and commencement. 6. This Proclamation may be cited as the Bechuanaland Protectorate Exportation and Importation Restriction Proclamation, 1939, and shall have force and take effect from the fourth day of September, 1939.

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.