

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE.

No. 227 OF 1940.

It is hereby notified for general information that, under and by virtue of the powers vested in him by section *one* of the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939 (No. 36 of 1939), His Excellency the High Commissioner has been pleased to make the following further amendments to the Bechuanaland Protectorate Defence (Finance) Regulations, 1939, published under High Commissioner's Notice No. 235 of 1939, which Regulations were amended as set forth in High Commissioner's Notice No. 127 of 1940 and High Commissioner's Notice No. 137 of 1940:—

1. Paragraph (b) of Regulation 3 (1) is hereby amended by—

- (a) the insertion after the word "contingent" of the words "on the part of such person or any other person";
- (b) the deletion of sub-paragraphs (i) and (ii) and the substitution therefor of the following new sub-paragraphs:—

- "(i) for the receiving by such person or any other person of a payment, or the acquisition by such person or any other person of property, outside the Territory, or
- (ii) for a right (whether actual or contingent) on the part of such person or any other person to receive a payment or acquire property outside the Territory."

2. Paragraph (4) of Regulation 4 is hereby amended by the insertion after the word "consigned" of the words "or letters or parcels sent".

3. Regulation 4 is hereby further amended—

- (a) by the insertion after paragraph (4) thereof of the following new paragraph (4A):—

"(4A) All bank notes, gold, securities and foreign currency seized under paragraph (3) or (4) of this Regulation shall be forfeited for the benefit of the general revenue of the Territory:

Provided that the Resident Commissioner may, in his discretion, direct that any bank notes, gold, securities or foreign currency so

seized be refunded or returned, in whole or in part, to the person from whom they were taken or who was entitled to have the custody or possession of them at the time when they were so seized ”.

(b) by the substitution in paragraph (5) thereof for the words “ and (4) ” of the words “ (4) and (4A) ”.

4. The following Regulations are hereby inserted after Regulation 4:—

Power to prescribe Currencies in respect of Certain Transactions.

4A. The Resident Commissioner may from time to time prescribe the currency or currencies in which payment may or may not be made in connection with imports or exports or other transactions involving payments between persons in the Territory and persons outside the Territory, and no person shall, except with permission of the Resident Commissioner or a person authorised by the Resident Commissioner, make or receive payment otherwise than in the currency or currencies so prescribed.

Restriction on Export of Capital.

4B. (1) No person shall, except with permission granted by the Resident Commissioner or by any person authorised by the Resident Commissioner—

- (a) export from the Territory during any calendar year commencing upon the first day of November a total quantity of goods which exceeds ten pounds in value, if—
 - (i) no payment for such goods has been or is to be received in the Territory from a person outside the Territory, or
 - (ii) such goods are exported at a price which is less than the value thereof, or
 - (iii) the period within which payment for such goods is to be made exceeds six months from the date of export from the Territory or such shorter period as an authorised dealer may determine in respect of such goods;
- (b) take out of the Territory goods, including personal apparel and household effects, which have a value in excess of three hundred pounds;
- (c) enter into any other transaction whereby capital is directly or indirectly exported from the Territory.

(2) The provisions of sub-paragraph (a) and (b) of paragraph (1) of this Regulation shall not apply to goods exported from or taken out of the Territory to the United Kingdom of Great Britain and Northern Ireland, the Union of South Africa, Southern Rhodesia, Northern Rhodesia, Basutoland and Swaziland.

(3) The provisions of paragraphs (3), (4) and (4A) of Regulation 4 shall apply *mutatis mutandis* to goods referred to in paragraph (1) (b) of this Regulation.

(4) For the purposes of this Regulation "value" shall mean the value for Customs purposes as defined in section *thirty-eight* of Proclamation No. 20 of 1925.

5. The following paragraph is hereby inserted after paragraph (3) of Regulation 5:—

"(3A). The Resident Commissioner may withdraw any exemption granted in terms of sub-paragraph (c) of paragraph (3) of this Regulation."

6. Paragraph (4) of Regulation 5 is, with effect as from the fifteenth day of November, 1940, hereby deleted and the following paragraph is substituted therefor:—

"(4) (a) No person shall, during the period commencing upon the fifteenth day of November, 1940, and ending upon the thirty-first day of October, 1941, or thereafter during any calendar year commencing upon the first day of November, export from the United Kingdom of Great Britain and Northern Ireland, the Union of South Africa, Southern Rhodesia, Northern Rhodesia, Basutoland and Swaziland, a total quantity of goods which exceed ten pounds in value unless the relative bill of entry export in respect of such goods is accompanied by a declaration in the form of the Annexure hereto, duly completed and signed by the consignor or a person duly authorised by him and attested by an authorised dealer:

Provided that where the goods are forwarded through the post a declaration in the said form, so completed, signed and attested, shall be furnished to the postmaster at the time the parcel is handed in at the post office.

(b) For the purposes of this paragraph 'value' shall mean the value for Customs purposes as defined in section *thirty-eight* of Proclamation No. 20 of 1925."

7. Paragraph (3) of Regulation 5A is hereby amended by the deletion of the words "any securities on behalf of" and the substitution therefor of the words "possess or have in their custody any securities the ownership of which vests in".

8. The following Regulations are hereby inserted after Regulation 7:—

Provision of Security.

7A. The Resident Commissioner may order any person to provide security, in such form and in such an amount as the Resident Commissioner may determine, that he will comply, either generally or in respect of any particular transaction, with the provisions of any of these Regulations specified by the Resident Commissioner.

Furnishing of Information.

7B. (1) The Resident Commissioner or any person authorised by the Resident Commissioner, may order any person to furnish any information at such person's disposal which the Resident Commissioner or such authorised person deems necessary for the purpose of securing compliance with any of the provisions of these Regulations; and any person generally or specifically appointed by the Resident Commissioner for the purpose may enter the premises of a person so ordered and may inspect any books or documents belonging to or under the control of such person.

(2) No person shall make any false statement in any information furnished in compliance with such an order, or hinder any person so appointed in the exercise of his powers.

9. Regulation 10 is hereby amended by substituting for the words "five hundred" the words "five thousand" and for the words "two years" the words "five years".

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 3rd December, 1940.