

BECHUANALAND PROTECTORATE.

No. 11 OF 1941.

(Promulgated 28th February, 1941.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Care of
Overseas Children Proclamation, 1941.

Whereas it is expedient to make provision for the control and care of children from overseas who may be received in the Bechuanaland Protectorate during the present war:

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

1. In this Proclamation the expression "overseas child" means a person under the age of twenty-one years who has, in pursuance of an arrangement made between the Government of the Bechuanaland Protectorate and the Government of the Union of South Africa during the war in which His Majesty is at present engaged, been accepted by the Government of the Bechuanaland Protectorate and received in the Bechuanaland Protectorate for custody and care by the Government of the Bechuanaland Protectorate. Inter-pretation.

2. The Resident Commissioner shall be the guardian of every overseas child while the child is in the Bechuanaland Protectorate, to the exclusion of the father and mother and every other guardian of the child. Resident Commissioner to be guardian.

3. (1) In his capacity as guardian of any overseas child the Resident Commissioner may— Powers of guardian.

- (a) place the child in the custody of any person;
- (b) if he is satisfied that it is in the interest of the child that he be removed from the custody of any person in whose custody he is, issue an order directing any person named or designated therein to remove the child from the said custody, and deal with the child in manner set forth in the order;

(c) if he is satisfied that the application of any medical treatment to the child or the performance of any surgical operation upon the child is in the interest of the child, authorise the application of the treatment to the child or the performance of the operation upon the child, and, generally, exercise the same rights of control over the child as the natural guardian of the child would be entitled to exercise, the scope of this provision not being limited in any way by the mention in this section of particular matters.

(2) An order may be issued under paragraph (b) of sub-section (1), notwithstanding the terms of any agreement under which the person who has the custody of the child assumed that custody, and notwithstanding the fact that the child was placed in the custody of that person under paragraph (a) of sub-section (1).

Delegation
of powers.

4. The Resident Commissioner may delegate any of the powers entrusted to him by this Proclamation to any other person.

Penalties.

5. Any person who obstructs any other person in the exercise of the rights conferred or the performance of the duties imposed upon him by or under this Proclamation shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding two hundred pounds or 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.

Short title
and com-
mencement.

6 This Proclamation may be cited as the Bechuanaland Protectorate Care of Overseas Children Proclamation, 1941, and shall have force and take effect as from the date of its publication in the *Gazete*.

GOD SAVE THE KING.

Given under my Hand and Seal at Cape Town this Twentieth day of February, One thousand Nine hundred and Forty-one.

WALTER C. HUGGARD,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. LESTER SMITH,
for Administrative Secretary.