

BECHUANALAND PROTECTORATE.

Nº. 61 OF 1941.

(Promulgated 10th October, 1941.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

**Entitled the Railway Further Amendment
Proclamation, 1941.**

Whereas it is expedient to provide for the temporary suspension and amendment of certain provisions of the Railway Proclamation, 1935, and for other purposes connected therewith:

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

1. (1) This Proclamation may be cited as the Railway Further Amendment Proclamation, 1941, and shall be deemed to have had force and effect as and from the first day of October, 1941. Short title and commencement.

(2) This Proclamation shall be read as one with the Railway Proclamation, 1935, as amended, hereinafter referred to as "the principal law".

2. Any expression to which a meaning is ascribed in the principal law shall, when used in this Proclamation, bear the same meaning. Interpretation.

3. (1) From and after the date of the coming into operation of this Proclamation, the railway charges contained in the schedule in force on the first day of June, 1941, shall be the charges which each of the Companies respectively shall make for all services rendered in respect of which such charges were fixed, and, save as is provided in this section, it shall not be lawful to make any reduction in such schedule of railway charges. Railway charges to remain unaltered.

(2) The Commission may, on the application of the Companies or either of them, allow the temporary reduction of any particular railway charge. Such application shall, where possible, be made and dealt with summarily.

(3) Any of the Governments or either or both of the Companies or any representative body of traders, or any person who is, in the opinion of the Commission, a proper person for the purpose, shall be entitled at any time to apply to the Commission to modify any particular railway charge, and, if any such Government, Company or body of traders or person as the case may be, proves to the satisfaction of the Commission that any particular railway charge, including any condition imposing or classification affecting such charge, ought to be modified, the Commission shall make such modification as it thinks fit, and shall fix the date as from which such modification shall be effective, and may limit a period for its operation.

Alteration
of dividend
provision
and sum.

4. Notwithstanding anything to the contrary contained in the principal law, the dividend provision shall in no case exceed £125,000, nor shall the sum available for distribution in dividends for any year of account exceed the said sum of £125,000.

Disposal
of excess
of realised
income.

5. (1) Notwithstanding anything to the contrary contained in the principal law, if at the end of any year of account there is an excess of realised income over the standard revenue for that year of account, such excess shall be dealt with as follows:—

(a) If the amount standing to the credit of the reserve account is an amount less than two and one-half times the loan service, the whole or such lesser sum of such excess as may be required for the purpose shall be carried to the reserve account until the amount standing to the credit of the reserve account is an amount equal to two and one-half times the loan service. Any remaining balance of such excess shall be carried to the rates stabilisation account.

(b) If the amount standing to the credit of the reserve account is an amount equal to two and one-half times the loan service, such excess shall be carried to the rates stabilisation account.

(2) Nothing contained in the principal law shall prevent the rates stabilisation account from being brought to a figure in excess of £500,000.

6. Notwithstanding anything to the contrary contained in the principal law, if at the end of any year of account the realised income is less than the standard revenue, such deficiency shall be met as follows:—

Meeting of
deficiency
in realised
income.

- (a) Where a reserve provision was made in determining the standard revenue for that year of account, such deficiency shall be apportioned between the dividend sum and the sum to be carried to the reserve account, respectively, in the proportion which the dividend sum bears to the reserve provision for that year of account, and the proportion falling to the reserve account, but not the deficit in the dividend sum, shall be borne by the rates stabilisation account;
- (b) where no reserve provision was made in determining the standard revenue for that year of account, such deficiency shall be borne by the dividend sum to the extent thereof; and
- (c) any deficiency in excess of the reserve provision (if any) and the dividend sum shall be borne by the rates stabilisation account, so far as that account suffices, and thereafter by the reserve account.

7. If at the end of the year of account ended the thirtieth day of September, 1940, it is found that there was an excess of realised income over the standard revenue for that year of account, then, notwithstanding anything to the contrary contained in the principal law, such excess shall be dealt with in the manner provided in section five of this Proclamation.

Excess
realised
income for
year
ended 30th
September,
1940.

8. The Companies shall invest all the moneys standing to the credit of the rates stabilisation account in trustee securities as defined by the laws in force from time to time in Great Britain for the investment of trust moneys.

Invest-
ment of
rates
stabilisa-
tion
account.

9. (1) Save as is provided to the contrary in this section, this Proclamation shall expire on the thirtieth day of September following the date of the end of the present war or the thirtieth day of September, 1943, whichever date is the earlier.

Expiry of
Proclama-
tion.

(2) The expiry of this Proclamation shall not affect the operation thereof as respects things previously done or omitted to be done or the accounts for the year of account ending on the date of the expiry of this Proclamation, and all acts remaining to be done on the expiry of this Proclamation in relation to such accounts shall be done in accordance with the provisions of this Proclamation.

(3) If on the expiry of this Proclamation the amount in the rates stabilisation account exceeds the sum of £500,000, the amount in excess shall remain in the rates stabilisation account and may be used in accordance with those provisions of the principal law relating to the rates stabilisation account.

(4) Subject to the provisions of this section, the provisions of the principal law which were affected by this Proclamation shall, on the expiry of this Proclamation, revive and be of full effect.

(5) For the purposes of this section, the present war shall be deemed to end or to have ended, as the case may be, on such date as the High Commissioner may by Notice in the *Gazette* declare.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Seventh day of October One thousand Nine hundred and Forty-one.

HARLECH,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.