

BECHUANALAND PROTECTORATE.

No. 67 of 1941.

(Promulgated 19th December, 1941.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Control of
Livestock Industry Proclamation, 1941.

Whereas it is expedient to make fuller and better provision for the control of the Livestock Industry 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. (1) For the purposes of this Proclamation ^{interpretation.} the expression—

"Chief" means any native recognised as a Chief by the High Commissioner and includes any native so recognised temporarily as an acting Chief;

"defined area" means any area, not being a tribal area, as defined by the Resident Commissioner by Notice in the *Gazette*;

"livestock" means any animal specified in the First Schedule to this Proclamation or added thereto under sub-section (2) of this section;

"native" means any aboriginal native belonging to any native tribe of Africa and shall include persons of mixed race living as members of any native community, tribe, kraal or location in the Territory;

"Tribal area" means the area known as the Baralong Farms as described in Schedule B of Proclamation No. 1 of 1896, the Bamangwato, Batawana, Bakgatla, Bakwena and Bangwaketsi Native Reserves as defined in Proclamations No. 9 of 1899, No. 55 of 1908 and No. 31 of 1933, the Bemaletse Native Reserve as defined in Proclamation No. 28 of 1909 and the Batlokwa Native Reserve as defined in Proclamation No. 44 of 1933, or any area which may hereafter be added thereto by law.

(2) The High Commissioner may from time to time by Notice in the *Gazette* add to or otherwise amend the First and Second Schedules.

CHAPTER I.

PURCHASE OF LIVESTOCK.

Permits for sale or disposal by natives.

2. There shall be established in each tribal area a system of chief's permits in form approved by the Resident Commissioner and in each defined area a system of District Commissioner's permits in form approved by the Resident Commissioner to authorise the sale or disposal of livestock by a native to any person other than a native domiciled in the same area.

Purchase or acquisition of livestock.

3. No person shall purchase or otherwise acquire within the Territory any livestock unless he is the holder of a current licence issued under this Chapter, and no person shall purchase or otherwise acquire from a native any livestock unless such native is in possession of a Chief's or District Commissioner's permit authorising such transaction:

Provided that any native domiciled in the Territory may, without obtaining a licence under this Chapter, purchase or otherwise acquire livestock within his own tribal area or within his own defined area, as the case may be, for his own use or for disposal within that area to any other native so domiciled.

Sale or disposal of livestock.

4. (1) No native shall sell or otherwise dispose of livestock to a person other than a native domiciled in the same tribal area or defined area, as the case may be, unless he is in possession of a Chief's or District Commissioner's permit authorising such transaction.

(2) Subject to the provisions of sub-section (1) of this section, no person shall sell or otherwise dispose of livestock within the Territory to any person other than the holder of a current licence issued under this Chapter:

Provided that any person licensed under this Chapter may barter or exchange livestock with a native in possession of a Chief's or District Commissioner's permit.

Terms and conditions of licence.

5. (1) Every licence issued under this Chapter shall expire on the thirty-first day of December next following the date of issue, and, subject to the provisions of section *seven*, there shall be payable in respect of each such

licence the sum of twenty pounds for an annual licence and ten pounds for a licence issued after the thirtieth day of June in any year.

(2) Every licence under this Chapter shall be issued subject to such conditions as the Resident Commissioner may impose, and any such conditions shall be endorsed on the licence:

Provided that any endorsement restricting the area within which the purchase or acquisition of livestock may be effected shall not apply to any place appointed in terms of section *thirteen* for the public sale of livestock.

(3) No licence issued under this Chapter shall be transferable.

(4) No licence shall be issued under this Chapter unless the person applying therefor shall have produced to the officer authorised to issue the same a certificate under the hand of the Registrar of Brands that the applicant has been registered under the provisions of Proclamation No. 7 of 1907 as the proprietor of a brand.

(5) The issue or renewal of any licence under this Chapter or the alteration of the endorsement on any such licence may be refused by the Resident Commissioner or any officer authorised to issue licences without any reason being given for such refusal.

6. (1) Every applicant for a licence under this Chapter shall, save as specially exempted under section *seven*, upon first obtaining a licence either deposit with the Resident Commissioner or other authorised officer issuing the same the sum of one hundred pounds or find security to the like amount to the satisfaction of the Resident Commissioner or other authorised officer, and shall fix a *domicilium citandi et excecutiandi* within the Territory.

Deposit or security required on issue of licence.

(2) Such deposit or other security shall remain and be kept up to the full value of one hundred pounds as long as the person making or finding the same continues to hold a licence issued under this Chapter, and if such deposit or security shall at any time fall short of the said value and the holder of the licence shall neglect or refuse to make up the deficiency it shall be lawful for the Resident Commissioner to cancel such licence.

(3) Any deposit or security made or found under this section may be taken in execution in whole or in part for the purpose of satisfying the judgment of any competent court within the Territory, whereby the person who made such deposit or found such security shall be required to pay—

- (a) any sum whether by way of debt, damages, costs or otherwise to any person resident within the Territory in respect of a transaction involving the purchase or acquisition of livestock in terms of section *three*; or
- (b) any fine, compensation or award in respect of a contravention of any of the provisions of this Proclamation.

(4) In case of cancellation of a licence or in case a licence shall not be renewed upon the expiration thereof, the deposit or other security made or found in connection therewith, in so far as the same has not been appropriated under the last preceding sub-section, shall, within three months after such cancellation or expiration, as the case may be, be delivered back by the Resident Commissioner or other authorised officer upon due application being made therefor.

Free
licences.

7. (1) Licences under this Chapter may be issued free of charge to—

- (a) the holder of a butcher's licence to purchase or otherwise acquire a specified number of livestock required for slaughter for the purpose of his business during the year;
- (b) the holder of a hawker's licence to purchase or otherwise acquire a specified number of livestock in specified areas;
- (c) a farmer to purchase or otherwise acquire within a specified area or areas a specified number of livestock required for stated farming operations during the year;
- (d) the holder of a general dealer's licence to purchase or otherwise acquire livestock within a specified area or areas;
- (e) such other person or class of persons for such purposes and under such conditions as the Resident Commissioner may decide.

*as may be endorsed
on his Gen. dealer's
licence*

(2) Applications for free licences shall be submitted on the forms set out in the Second Schedule to this Proclamation.

(3) Any person to whom a free licence is issued shall be exempted from the provisions of section *six*.

8. (1) Every person licensed under this Chapter to purchase or otherwise acquire livestock shall be required to carry his licence with him and to produce it on request.

Duty of licensee and agent to carry and produce licences.

(2) The person to whom a licence has been issued shall be entitled to nominate one agent or employee, approved by the authorised officer (who shall endorse the name of such agent or employee on the licence), to purchase or otherwise acquire livestock on his behalf. No other person may operate on the said licence unless his name is substituted by the authorised officer for that already endorsed on the licence:

(2) Deal with employees guilty of offence.

Provided that where the holder of a general dealer's licence is issued under this Chapter with a free licence, any employee of such general dealer may purchase or otherwise acquire livestock under the said free licence on behalf of such general dealer at the licensed premises only, without his name being endorsed on such licence.

(3) Subject to the provisions of sub-section (2) every agent or employee nominated to purchase or otherwise acquire livestock on behalf of a licensee shall be required to carry with him a duplicate copy of the licence bearing the endorsement of his name and to produce it on request.

9. (1) Every holder of a licence under this Chapter shall within fifteen days after the end of each month render to the Chief Veterinary Officer a return, in the form set out in the Second Schedule to this Proclamation, showing all purchases, acquisitions, sales, exchanges or other disposals of livestock. Where no transactions are effected during the month a *nil* return shall be rendered. Any such holder who neglects or refuses to render such return or who renders a return which is false in any particular shall be guilty of an offence.

Returns.

2/1/44

Recd. 2/1/44 amended above Dec. 23/43.

(2) A certificate under the hand of the Chief Veterinary Officer or other officer authorised by him shall in any proceedings under this section be *prima facie* evidence of the facts stated therein, and it shall not be necessary to bring oral evidence of such facts unless the court before which such proceedings are had specially direct, in which case a postponement shall be allowed to enable the officer whose presence is required to attend.

All live-
stock to be
branded
after
purchase or
acquisition.

10. (1) It shall be the duty of every person licensed under this Chapter, within seventy-two hours after purchasing or otherwise acquiring any livestock and before removal of such livestock from the place of purchase or acquisition, to affix to each animal purchased or otherwise acquired the brand of which he is the registered proprietor, and for the purposes of this section the expression "brand" shall have the meaning assigned to it in section one of Proclamation No. 7 of 1907:

Provided that the Resident Commissioner may exempt persons licensed under subsection (1) (e) of section seven from the requirements of this section, and from the requirements of sub-section (4) of section five.

(2) Any person who fails to comply with any of the requirements of this section shall be guilty of an offence.

Offences.

11. Any person who shall, whether on his own behalf or on behalf of any other person, directly or indirectly purchase or otherwise acquire or sell or dispose of any livestock within the Territory in contravention of any of the provisions of this Chapter or in violation of the conditions of his licence shall be guilty of an offence.

Onus on
accused
persons.

12. In any prosecution for an offence under this Chapter—

*cannot be accounted
for by need, such
person, unless
satisfactorily proved*

- (a) any livestock proved to have been purchased or otherwise acquired by any person within the Territory shall be deemed to have been purchased or acquired by such person in contravention of the provisions of this Chapter unless and until the contrary is proved by such accused person; *and any other record*
- (b) any person required by this Chapter to have a licence shall be deemed to be without such licence, unless he shall produce the same on demand to any administrative officer, veterinary officer, stock inspector or police officer or to the court or give other satisfactory proof of possessing the same.

Public sales
of livestock.

13. It shall be lawful for the Resident Commissioner to appoint places in the Territory where public sales of livestock may take place subject to such conditions as he may impose. Public sales of livestock may not be held within the Territory without the written approval of the Resident Commissioner.

CHAPTER II.

EXPORT OF LIVESTOCK.

14. No person shall export or cause or permit to be exported from the Territory any livestock unless he is the holder of a current certificate that he is a registered exporter or a registered producer, and is in possession of an export permit issued by the Chief Veterinary Officer or an officer authorised by him, subject to such conditions as the Resident Commissioner may deem necessary.

15. No person shall export from the Territory any male or female horned cattle, sheep, goats, horses, donkeys or pigs suitable for breeding except under authority of a permit issued by the Chief Veterinary Officer or an officer authorised by him.

16. (1) Any person, corporation or association shown on the Government Stock Registers to be in possession of a minimum of ten head of cattle suitable for export or of twenty head of female breeding cattle or who is the holder of a licence issued under Chapter I of this Proclamation may make application to be registered as an exporter. He shall give such information concerning his livestock as may be deemed necessary by the Chief Veterinary Officer, and the Chief Veterinary Officer or any officer authorised by him may issue to such applicant a certificate that he is a registered exporter.

(2) Any person who combines the business of breeding, rearing and maturing cattle for export may make application to be registered as a producer. He shall give such information concerning his livestock as may be deemed necessary by the Chief Veterinary Officer, and the Chief Veterinary Officer or any officer authorised by him may issue to such applicant a certificate that he is a registered producer.

(3) Certificates issued under this section shall expire on the thirty-first day of December next following the date of issue.

17. Every person shall, on demand by the Chief Veterinary Officer or any officer authorised by him, give such information concerning the livestock in his possession or which has been in his possession as may be deemed necessary by the Chief Veterinary Officer.

Offences.

18. (1) Any person who exports any live-stock in contravention of any of the provisions of this Chapter shall be guilty of an offence.

(2) Any person who gives false information to the Chief Veterinary Officer or his authorised officer shall be guilty of an offence.

CHAPTER III.

LEVY ON CATTLE EXPORTED.

Levy on
cattle
exported.

19. (1) Upon every head of cattle exported from the Territory to the Johannesburg quarantine market or for realisation on the Johannesburg quarantine market or any such other market as may, by Notice in the *Gazette*, be specified by the High Commissioner there shall be imposed a levy of five shillings or such other sum as the Resident Commissioner may from time to time by Notice in the *Gazette* determine.

(2) Notwithstanding the provisions of the preceding sub-section any person who holds a current certificate issued under Chapter II of this Proclamation that he is a registered producer shall be entitled to a refund of the levy paid by him on any number of cattle bred, reared and matured by him, not exceeding fifty in each calendar year, equivalent to half the number of his female breeding cattle at the commencement of such calendar year.

Manner of
payment.

20. The levy imposed by section *nineteen* shall be payable to any administrative officer, Veterinary Officer, stock inspector, police officer or any other person authorised in writing by the Resident Commissioner to receive such levy, and such officer or other person shall give his receipt for the same, the production of which receipt at the port of exit shall be full and sufficient proof of payment of the levy on the said cattle.

Cattle
Export
Levy Fund.

21. The moneys derived from the levy on cattle so exported shall be paid into the Cattle Export Levy Fund established under the Bechuanaland Protectorate Cattle Export Levy Further Amendment Proclamation, 1937, and such Fund shall be used solely for purposes connected with the export of beef to the United Kingdom or other markets.

Offences.

22. Any person, not being a registered producer exporting under the provisions of sub-section (2) of section *nineteen*, who shall export or attempt to export any cattle from the Territory for realisation on the Johannesburg quarantine market or other specified market

Pretoria
A.C.N. 186/45

without having first paid thereon the levy imposed by sub-section (1) of section *nineteen* shall be guilty of an offence.

23. In any prosecution for exporting or attempting to export any cattle without having first paid the levy imposed by sub-section (1) of section *nineteen*, proof that the accused person or any agent of the accused person who had charge of the cattle at the time of exportation or attempted exportation failed, on demand made by any member of the police force or by any of the officers or persons mentioned in section *twenty*, to produce the receipt for such levy, shall be sufficient evidence that such levy has not been paid, unless and until the contrary is proved.

Sufficiency of proof of non-payment of levy.

24. The High Commissioner may from time to time, by Notice in the *Gazette*, suspend the operation of this Chapter, and may by similar Notice revoke any such suspending Notice and declare that this Chapter shall again have force and take effect:

Suspension of levy.

Provided that any such suspension shall not affect the validity of any act done or any proceedings pending at the date of such Notice or the recovery of any levy or penalty payable at such date.

CHAPTER IV.

GENERAL.

25. When the Resident Commissioner deems it necessary in the interests of the control of the livestock industry so to do, he may direct the refusal of, or the imposition of conditions on the issue of, any permit for the removal of livestock issued under High Commissioner's Notice No. 28 of 1926 for reasons other than for the prevention of disease of livestock.

Refusal of removal permits or the imposition of conditions.

26. The High Commissioner may from time to time, by Notice in the *Gazette*, make, revoke and vary regulations respecting the issue of licences for the purchase or acquisition of livestock, the sale or disposal of livestock, the export of livestock and the imposition of any levy thereon, and the payment of any bounty, premium or subsidy on livestock exported to the United Kingdom or other market, and generally for the better carrying out of the provisions of this Proclamation.

Power to make regulations.

27. (1) Any person who contravenes or commits an offence under section *eight*, section *nine*, section *ten*, section *thirteen*, sub-section (2) of section *eighteen*, or section *twenty-two*,

Penalties.

or who fails to comply with the requirements of section *seventeen*, shall, on conviction, be liable to a fine not exceeding twenty-five pounds or in default of payment to imprisonment for a period not exceeding three months.

(2) Any person who contravenes or commits an offence under section *eleven* or sub-section (1) of section *eighteen*, or who contravenes or fails to comply with any of the provisions of this Proclamation in respect of which no penalty is otherwise provided, shall, on conviction, be liable to a fine not exceeding two hundred and fifty pounds or in default of payment to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

(3) Any person who commits an offence under section *eleven* or sub-section (1) of section *eighteen* shall, in addition to any other penalty, be liable to suffer cancellation of his licence.

Senior tribal tribunal to have jurisdiction for contravention of the Proclamation by natives.

28. Every senior tribal tribunal constituted under Proclamation No. 75 of 1934 shall have and may exercise jurisdiction of a criminal nature for any contravention of the provisions of this Proclamation by natives residing within its tribal area in all matters where such natives only are concerned.

Repeal of Proclamation No. 1 of 1940.

29. (1) The Bechuanaland Protectorate Control of Livestock Industry Proclamation, 1940, is hereby repealed, but such repeal shall not affect any proceedings pending or any act done or penalty imposed under the said Proclamation at or prior to the commencement of this Proclamation.

(2) Every current licence or certificate of registration as exporter or producer issued under the Proclamation hereby repealed shall be deemed to have been issued under this Proclamation.

Short title and commencement.

30. This Proclamation may be cited as the Bechuanaland Protectorate Control of Livestock Industry Proclamation, 1941, and shall have force and take effect as from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

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

HARLECH,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

FIRST SCHEDULE.

~~Horned Cattle:~~

Business purposes

SECOND SCHEDULE.

APPLICATION FOR FREE LICENCE BY A BUTCHER.

I certify that I am the holder of Butcher's Licence No.....issued in the.....District. I hereby apply for a free licence to purchase or acquire the following livestock for slaughter and sale as meat, etc., within the Territory:—

APPLICATION FOR FREE LICENCE BY A HAWKER.

I certify that I am the holder of Hawker's Licence No.....issued in the.....District. I hereby apply for a free licence to purchase or acquire the following livestock for the period permitted by my licence within the area or areas specified below:—

APPLICATION FOR FREE LICENCE BY A FARMER.

I certify that I am farming at..... in the.....District. I hereby apply for a free licence to purchase or acquire within the District or Districts set out below the following livestock for the purposes stated:—

Cattle.	No.	Purpose.	District or Districts in which livestock to be acquired.
Breeding stock.....			
Tollies and Weaners..			
Treks.....			
Stores.....			
Feeders.....			
Slaughter cattle.....			

**APPLICATION FOR FREE LICENCE BY A
GENERAL DEALER.**

I certify that I am the holder of General Dealer's Licence No.....issued in the..... District. I hereby apply for a free licence to purchase or acquire livestock for the currency of the above licence within the.....District in which my business premises are situated and in the following District or Districts for the reasons stated below:—

**RETURN OF STOCK PURCHASES, SALES, ETC.,
UNDER SECTION NINE.**

I hereby notify that during the month of..... the following purchases, acquisitions, sales, exchanges or other disposals of stock were effected by me or on my behalf:—

Date.	Place.	Species No.	Sold to or exchanged with.	Purchased or acquired from.	Permit No.

When transactions with natives are recorded the Chief's or District Commissioner's permit number must be recorded.