

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE
No. 17 of 1942.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to approve the subjoined regulations made by the Resident Commissioner under the provisions of section *two* of the Bechuanaland Protectorate Native Locations Proclamation, 1942 (No. 9 of 1942).

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,

Administrative Secretary.

High Commissioner's Office,
Cape Town, 30th January, 1942.

NATIVE LOCATIONS REGULATIONS.

Definitions.

1. In these regulations, unless the context otherwise requires, the following terms shall have the meanings assigned to them:—

“ Local authority ” means the District Commissioner or the Assistant District Commissioner in charge of the District;

“ police officer ” means any member of the Bechuanaland Protectorate Police Force;

“ native location ” means any area defined by Notice in the *Gazette* in terms of section *one* of the Bechuanaland Protectorate Native Locations Proclamation, 1942;

“ liquor ” means intoxicating liquors as defined by Proclamation No. 73 of 1921, as amended.

Powers and Duties of Local Authority.

2. (1) The local authority shall be responsible for the management and control of natives living in native locations.

(2) The local authority may delegate such of his duties and powers to a headman of the native location or to his authorised representative as may be approved by the Resident Commissioner.

(3) The local authority may, subject to the approval of the Resident Commissioner, appoint an Advisory Board, of which the District Commissioner or Assistant District Commissioner shall be chairman. Meetings of the Board may be held whenever circumstances require it but in any event not less than once every three months. The functions of the Board shall be to advise the local authority.

Site Permits.

3. (1) Every native over the age of eighteen years desirous of taking up his residence in the native location and of erecting therein a dwelling shall apply in person to the local authority for a permit (hereinafter referred to as a "site permit"). The local authority upon being satisfied that the applicant is—

- (a) a fit and proper person to reside in the native location;
- (b) is employed or is following some lawful occupation or calling; and
- (c) is financially able and willing to erect within the native location within a period prescribed by the local authority a dwelling of a standard prescribed by the local authority,

may issue to such applicant a site permit.

(2) Every site permit issued in terms of paragraph (1) of this regulation shall specify what building, structure or fence may be erected on the relative site, and no other building, structure, fence or outhouse shall be erected on such site without the written permission of the local authority.

(3) Any such site permit may be cancelled by the local authority on one month's notice in writing being given to the holder of the site permit—

- (a) on such holder being unemployed or not following some lawful occupation or calling for a continuous period of not less than one month before the issue of such notice; or
- (b) on the failure of such holder within a reasonable period to carry out any instructions issued by the Medical Officer in terms of the Bechuanaland Protectorate Sanitary Regulations; or
- (c) on such holder failing to complete the dwelling within the prescribed period or to keep the building in repair to the satisfaction of the local authority; or
- (d) on such holder leaving or vacating his dwelling for a continuous period of more than one month without the permission of the local authority.

(4) No site allowed to any person in terms of this regulation shall be less than fifty feet square and the local authority shall cause the boundaries of such site to be clearly demarcated.

Lodger's Permit.

4. (1) No person other than the holder of a site permit, or the family of such holder, shall reside in the native location unless he shall first have obtained a permit (hereinafter called a "lodger's permit"). The local authority shall issue a lodger's permit only if satisfied that—

- (a) the applicant is a fit and proper person to reside in the native location;

- (b) the applicant is *bona fide* employed or is carrying on some lawful occupation or calling;
- (c) the applicant has obtained approved accommodation; and
- (d) the applicant has paid in advance the fees prescribed by Regulation 11.

(2) Every lodger's permit issued in accordance with the provisions of paragraph (1) of this regulation shall expire on the last day of the calendar month in which it was issued. Every lodger's permit may be renewed on application, within three days of the date of expiry, to the local authority who, if he is satisfied that the conditions set out in sub-paragraphs (a) to (d) of paragraph (1) of this regulation have been fulfilled, shall renew the permit.

(3) Every lodger's permit shall show therein the name of the holder, the name or names (if any) of the family of such holder, the name of the site permit holder authorised to accommodate the holder of such lodger's permit and his family mentioned therein, and the number of the site or dwelling in which the holder of such lodger's permit and his family mentioned therein are to be accommodated.

(4) Every holder of a lodger's permit residing at any site or dwelling other than that shown in his lodger's permit shall be guilty of an offence.

(5) No lodger's permit shall be transferable.

Definition of "Family".

5. For the purposes of these regulations the term "family" means—

- (a) all children under the age of eighteen years of the holder of a site or lodger's permit;
- (b) all unmarried daughters of the holder of a site or lodger's permit:

Provided that any unmarried daughter over the age of twenty-one years, who has children of her own, shall not be deemed to be included within the definition of "family" as herein contained;

- (c) the wife of the holder of a site or lodger's permit to whom he is lawfully married or who is recognised as his wife under native law and custom.

Site Permit not Transferable.

6. (1) No site permit shall be transferable without the prior written permission of the local authority.

(2) No dwelling or portion thereof referred to in any site permit shall be sublet without the prior written permission of the local authority who shall grant such permission on being satisfied that the

transferee fulfils the conditions set out in subparagraphs (a) and (b) of paragraph (1) of Regulation 3 and on payment by the transferee of the fees prescribed in these regulations.

(3) The holder of a site permit shall not accommodate on the site any person who is not entitled to reside upon or in such site or dwelling. Any person who contravenes the provisions hereof shall be guilty of an offence.

Improvements may be Removed.

7. (1) Any person who has held any site permit which has been cancelled and who has erected improvements or who has acquired an interest in any improvements erected on the site referred to in his site permit shall have the right, before the date of coming into operation of the cancellation of such permit, to remove such improvements from the site or to dispose of his interest in such improvements to a purchaser approved by the local authority.

(2) Should any person who has held a site permit which has been cancelled, neglect, refuse or fail to avail himself of the right set out in this regulation, the local authority shall dispose of such holder's interest by public auction, and after deducting the amount of any fees due and any expenses incurred by the local authority shall pay the balance to such holder.

(3) In the event of the death of any holder of a site permit the person entitled by law to administer the estate of such holder shall have the same rights under paragraphs (1) and (2) of this regulation in respect of the removal, sale or disposal of improvements as such holder.

Register of Occupiers.

8. The local authority shall keep a register, hereinafter called a "register of occupiers". The local authority shall enter in such register of occupiers the name and full particulars of every person to whom a site permit or lodger's permit has in accordance with these regulations been issued. Every person whose name appears in such register of occupiers shall be known as a registered occupier, and the entry of such person's name in such register of occupiers shall be *prima facie* proof of such person's right to reside and be in the native location.

Right of Appeal.

9. Any person who shall have been refused a site permit or lodger's permit or whose permit has been cancelled by the local authority may appeal to the Assistant Resident Commissioner, whose decision shall be final.

Payment of Charges by Registered Occupiers.

10. (1) Every registered occupier shall pay monthly in advance at the office of the District Commissioner the sums by way of rent, charges for water, and sanitary, health and other services set out in Regulation 11.

(2) Any person failing or refusing to pay any sum for which he is liable in terms of these regulations within one month from the date on which it becomes due and payable shall be guilty of an offence and upon conviction may be ordered by the court to pay the amount which is found to be owing by him within such period as the order may specify, and in default of payment shall be liable to be imprisoned with or without hard labour for a period not exceeding one month:

Provided that no imprisonment undergone shall have the effect of cancelling the liability or barring an action for the recovery of the amount due by such person, and provided also that no person shall be sentenced to a second period of imprisonment in respect of failure to pay the same debt.

(3) If any person fails, refuses or neglects to pay any sum for which he is liable in terms of these regulations within one month of the date on which such sum becomes due and payable, the local authority may, on giving such person one month's notice in writing of his intention so to do, cancel any permit issued to such person to be or reside in the native location with effect from the date set out in such notice. Any such person who is found in the native location after such date, not being authorised to be in such native location in terms of these regulations, shall be guilty of an offence, and on conviction the Court may, in addition to any penalty it may impose, order his ejection from the native location.

Charges Payable by Holders of Site and Lodgers' Permits.

11. The following charges shall be payable by every person, in terms of Regulation 10 of these regulations, who is liable therefor:—

- (a) by the holder of a site permit, in respect of ground rent and communal water, sanitary and other services, 1s. per month;
- (b) by the holder of a lodger's permit, in respect of communal water, sanitary and other services, 6d. per month.

Carrying on a Trade or Craft.

12. No person shall carry on any trade or craft within the native location without the authority in writing of the local authority, who may impose such conditions as may be considered necessary.

Meetings, etc., may be Restricted.

13. The local authority may in his discretion restrict or prohibit any meeting or assembly or any entertainment or gathering of natives within the native location.

Restrictions regarding Sale, etc., of Liquor.

14. (1) It shall not be lawful for any person to sell, manufacture or be in possession of any liquor within the limits of the native location without the permission in writing of the local authority.

In granting any permission in writing, the local authority may prescribe such conditions as are considered desirable, and any breach of any such conditions will render the permission liable to cancellation.

(2) Whenever there exist reasonable grounds of suspicion that any person or persons is or are selling liquor unlawfully or are in unlawful possession of liquor, it shall be lawful for any police officer, on the written authority of the local authority or of a commissioned officer of police, to enter without warrant, either by day or by night, the premises of the person or persons so suspected.

(3) "Sell" and "selling" mean and include barter or supply for any consideration in money, goods or services, and offering or exposing for sale.

(4) Any person contravening any provision of this regulation shall on conviction be liable for a first offence to a penalty not exceeding five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months or to such imprisonment alone or to both such fine or imprisonment, and for every second or subsequent offence to a penalty not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment alone or to both such fine or imprisonment.

(5) Any liquor found in the possession of any person convicted of contravening paragraph (1) of this regulation may, in addition to any penalty or punishment inflicted on such person, be forfeited, and the Court may give such order as to its destruction or disposal as it sees fit.

Sanitation.

15. Every holder of a site permit shall keep the dwellings and buildings on his site in good condition and order. No person shall keep or cause or suffer to be kept, or deposit or allow to be deposited, on any site or premises any accumulation of filth, manure, dirt, refuse, garbage or rubbish so as to be a nuisance or injurious or dangerous to health, and every such holder shall further keep his site free from weeds or rubbish at all times and shall, unless exempted from

such provisions, disinfect to the satisfaction of the Medical Officer all buildings thereon inside and outside in the months of January and July of each year, and at all such other times as the Medical Officer or the local authority may require. The materials for whitewashing or disinfecting buildings in terms of these provisions shall be provided by or at the expense of the local authority.

Disposal of Rubbish, etc.

16. (1) Every holder of a site permit shall, on entering into occupation of the site allotted to such holder, provide himself with a receptacle of a kind approved by the local authority into which all rubbish, filth or litter of any kind shall be deposited.

(2) No person shall deposit or cause or permit or suffer to be deposited elsewhere than in a receptacle provided in terms of paragraph (1) any rubbish, filth or litter of any description; and any person who contravenes the provisions hereof shall be guilty of an offence.

(3) The local authority shall cause all rubbish, filth and other litter, deposited in the receptacles provided in accordance with this regulation, to be removed from the native location at regular intervals to be prescribed by the Medical officer and deposited at such site or sites as may be approved of by him.

Provision for Washing of Clothes.

17. The local authority shall have power to set apart a place in or near the native location and provide thereat a suitable clothes washing convenience where the inhabitants may wash clothes, and the local authority shall from time to time issue instructions regulating the use of such wash places by the inhabitants of the location; and any inhabitant of the location found washing clothes in any place not set apart and provided for such purpose in terms of this regulation shall be guilty of an offence.

Provision of Sanitary Accommodation.

18. (1) The local authority may order the holder of a site permit to provide on his site a latrine of a type approved by the Principal Medical Officer, and any site permit holder who within one month of the receipt of such order fails to erect a latrine of the approved type shall be guilty of an offence.

(2) The local authority may provide in the native location sufficient and satisfactory communal sanitary accommodation, of a type approved by the Principal Medical Officer, for the separate use of the members of each sex of persons residing in the location and shall maintain such accommodation in a clean and hygienic condition.

(3) Any male person using any sanitary accommodation provided for the exclusive use of female persons, and any female person using any sanitary accommodation provided for the exclusive use of male persons, and any person using any communal sanitary accommodation in any manner calculated to render the accommodation unclean and unhygienic, shall be guilty of an offence.

Duty to Report Infectious or Contagious Disease.

19. In the event of any person in the native location suffering from any infectious or contagious disease, the registered occupier of the dwelling in which such person resides or is found, or in the case of his death or incapacity the eldest adult resident in such dwelling, shall immediately report to the local authority the name of and all other facts known in respect of such person.

Powers of Medical Officer.

20. The Medical Officer or his authorised assistants may at any time enter any hut or dwelling or building in the native location and examine all persons therein suspected of suffering from any infectious or contagious disease or of having been exposed to such infection or contagion, and any persons who shall appear to the Medical Officer or to his authorised assistants to be suffering from or to have been exposed to the infection of any infectious disease may, by order of the Medical Officer, be removed to such place either within or beyond such location as the local authority may appoint for receiving such persons and may by a like order be therein detained until such time as, in the opinion of the Medical Officer, he shall be free from infection.

General Powers of Entry.

21. Any officer appointed by the local authority may at any reasonable time, having regard to the convenience of the occupants, enter any dwelling in the native location for inspection purposes.

Duty to Report Births and Deaths.

22. The registered occupier of any dwelling in which a birth or death occurs, or in the case of his death or incapacity the eldest adult resident in such dwelling, shall forthwith report to the local authority all facts connected with such birth or such death, as the case may be.

Slaughter of Animals.

23. Animals shall not be slaughtered except at places set apart for that purpose by the local

authority. All slaughter poles and butchers' wagons and carts intended for the conveyance of meat shall be kept clean by the persons using the same, and shall be maintained and used under such conditions as may be prescribed in writing by the Medical Officer. Any person contravening this regulation or failing to observe such prescribed conditions shall be guilty of an offence.

Sale of Meat, etc.

24. No person shall store or expose for sale, or allow to be stored or exposed for sale, fresh meat, fresh or salted fish, dairy produce, fruit, vegetable or other produce of a like nature, in any room used as a living room or sleeping room, or which, in the opinion of the Medical Officer, is not suitably constructed or is not kept in a sanitary condition.

Sale of Unfit Food.

25. No person shall sell, or offer for sale, any meat, fish, dairy produce, vegetables, fruit or other article of food, liquid or solid, which is unfit for human consumption. It shall be lawful for the local authority or his authorised representative or any police officer immediately to detain or seize any such article which is in his opinion unfit for human consumption. He shall without loss of time report such detention or seizure to the Medical Officer, who shall, upon being satisfied that the article detained or seized is unfit for human consumption, cause the same to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man. Any person failing to observe the terms of any order made under the provisions of this regulation shall be guilty of an offence.

Burial of Dead Bodies.

26. It shall not be lawful to bury the body of any deceased person in any area to which these regulations apply other than at places specially set apart for the purpose by the local authority in consultation with the Medical Officer.

Insanitary Conditions.

27. Under any circumstances where a Medical Officer shall notice, or have brought to his notice, any conditions of an insanitary nature in any area in his district to which these regulations apply, he shall report the fact to the local authority advising the latter as to the best means of remedying the condition.

General Powers of Local Authority.

28. In any area to which these regulations apply, it shall be lawful for the local authority—

- (a) to remove or cause the owner or occupier of premises to remove from his premises such bushes, shrubs or undergrowth as in the opinion of the Medical Officer may impair or tend to impair the health of the community by harbouring mosquitoes, reptiles or rodents;
- (b) to take such measures, or cause the owner or occupier of premises to take such measures, as in the opinion of the Medical Officer may be necessary to prevent the breeding of mosquitoes; and
- (c) to remove, or cause the owner of premises to remove, any building, house, wall or similar structure which has fallen into disuse through disrepair and in the opinion of the local authority may be considered to be a danger to the public or a harbour for refuse, litter or other insanitary matter. In the event of any owner or occupier failing to carry out the instructions of the local authority after a reasonable time the work may be carried out by the latter at the expense of the owner or occupier.

General.

29. Any person who commits an offence under, or contravenes or fails to comply with any provision of, these regulations for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.