

**BASUTOLAND, BECHUANALAND
PROTECTORATE, SWAZILAND.
HIGH COMMISSIONER'S NOTICE
No. 308 of 1942.**

**CONSOLIDATED EMERGENCY FINANCE
REGULATIONS.**

It is hereby notified for general information that, under and by virtue of the powers vested in him by section *one* of the Basutoland Emergency Powers (Defence) Proclamation, 1939 (No. 35 of 1939), section *one* of the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939 (No. 36 of 1939), and section *one* of the Swaziland Emergency Powers (Defence) Proclamation, 1939 (No. 37 of 1939), respectively, His Excellency the High Commissioner has been pleased to make the regulations set out in the First Annexure hereto for Basutoland, the Bechuanaland Protectorate and Swaziland, each of which is hereinafter respectively referred to as "the Territory".

The attention of the public is invited to the Explanatory Statement contained in the Second Annexure hereto.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,

Administrative Secretary.

High Commissioner's Office,

Pretoria, 23rd November, 1942.

**FIRST ANNEXURE.
REGULATIONS.**

DEFINITION OF TERMS.

1. In these regulations, unless the context otherwise indicates—

- " authorised dealer " means, in relation to any transaction in respect of gold, a person authorised by the Resident Commissioner to deal in gold, and, in relation to any transaction in respect of foreign currency, a person authorised by the Resident Commissioner to deal in foreign currency;
- " bank-notes " means bank-notes which are legal tender in the Territory;
- " foreign currency " means any currency other than currency which is legal tender in the Territory;
- " gold " means gold in any form, except in regulations 2 and 5 in which " gold " means any gold other than wrought gold;

- "owner" in relation to any security, includes any person who has the right to sell or transfer that security, or who has the custody thereof, or who receives or has the right to receive, whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any other interest therein;
- "security" includes shares, stock, bonds, debentures, debenture stock and Treasury bills, but does not include a bill of exchange or promissory note;
- "bond" does not include any mortgage bond or notarial bond registered or registrable in any registration office in the Territory other than a debenture bond;
- "the appropriate officer" means any officer of customs or excise, any immigration officer, or any person authorised by the Resident Commissioner to act as such;
- "Resident Commissioner" includes any officer designated by the Resident Commissioner for the purpose of these regulations;
- "transfer" includes transfer by way of loan or security, and for the purposes of these regulations a person shall be deemed to transfer securities from the Territory elsewhere if he transfers securities from a register in the Territory to a register outside the Territory;
- "sterling area" means the Union of South Africa, the Mandated Territory of South West Africa, Basutoland, the Bechuanaland Protectorate and Swaziland and such other Territories as the Resident Commissioner may by Notice in the *Gazette* declare to be included in the sterling area.

RESTRICTION ON PURCHASE, SALE AND LOAN OF FOREIGN CURRENCY AND GOLD.

2. (1) Except with permission granted by the Resident Commissioner no person other than an authorised dealer shall buy or borrow any foreign currency or any gold from, or sell or lend any foreign currency or any gold to, any person not being an authorised dealer.

(2) An authorised dealer shall not buy or borrow or sell or lend any foreign currency or gold except on such conditions as the Resident Commissioner may determine and the Resident Commissioner may, in his discretion, by order prohibit any or all authorised dealers from selling or lending foreign currency or gold to any specified person or persons.

(3) Every person other than an authorised dealer desiring to buy or borrow or sell or lend foreign currency or gold shall make application to an authorised dealer and shall furnish such information

and submit such documents as the authorised dealer may require for the purpose of ensuring compliance with any conditions determined under sub-regulation (2) of this regulation.

(4) No person other than an authorised dealer shall—

- (a) use or apply any foreign currency acquired from an authorised dealer for or to any purpose other than that stated in his application to be the purpose for which it was required; or
- (b) do any act calculated to lead to the use or application of such foreign currency for or to any purpose other than that so stated.

RESTRICTION ON EXPORT OF CURRENCY, GOLD AND SECURITIES, ETC.

3. (1) Subject to any exemption which may be granted by the Resident Commissioner, no person shall, except with permission granted by the Resident Commissioner—

- (a) take or send out of the Territory any bank-notes, gold, securities or foreign currency, or transfer any securities from the Territory elsewhere; or
- (b) send, consign or deliver any bank-notes, gold, securities or foreign currency to any person for the purpose of taking, sending or transferring such bank-notes, gold, securities or foreign currency out of the Territory; or
- (c) make any payment to, or in favour, or on behalf of a person resident outside the sterling area, or place any sum to the credit of such person; or
- (d) draw or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) on the part of such person or any other person to receive a payment in the Territory is created or transferred as consideration—
 - (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;

or make or receive any payment as such consideration.

(2) Nothing in sub-regulation (1) contained shall prohibit the doing by a person authorised by the Resident Commissioner of anything within the scope of his authority.

(3) Any person who is about to leave the Territory (in this sub-regulation referred to as "the traveller") shall, if requested so to do by the appropriate officer—

(a) declare whether or not he has with him any bank-notes, gold, securities or foreign currency; and

(b) produce any bank-notes, gold, securities or foreign currency which he has with him;

and the appropriate officer and any person acting under his directions may search the traveller and examine or search any article which the traveller has with him, for the purpose of ascertaining whether he has with him any bank-notes, gold, securities or foreign currency, and may seize any bank-notes, gold, securities or foreign currency produced or found upon such examination or search unless either—

(i) the appropriate officer is satisfied that the traveller is, in respect of any bank-notes, gold, securities or foreign currency which he has with him, exempt from the prohibition imposed by sub-regulation (1); or

(ii) the traveller produces to the appropriate officer a certificate granted by the Resident Commissioner which shows that the exportation by the traveller of any bank-notes, gold, securities or foreign currency which he has with him does not involve a contravention of that sub-regulation.

No female shall be searched in pursuance of this sub-regulation except by a female.

(4) The appropriate officer and any person acting under his directions may examine or search any goods consigned or letters or parcels sent from the Territory to a destination outside the Territory, for the purpose of ascertaining whether there are being sent therewith any bank-notes, gold, securities or foreign currency, and may seize any bank-notes, gold, securities or foreign currency found upon such examination or search unless the appropriate officer is satisfied that the Resident Commissioner has granted a certificate which shows that the sending as aforesaid of the bank-notes, gold, securities or foreign currency does not involve a contravention of sub-regulation (1), and that such certificate was not granted in reliance on any incorrect statement.

(5) All bank-notes, gold, securities and foreign currency seized under sub-regulation (3) or (4) 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 seized.

(6) For the purposes of this regulation, any bills of exchange or promissory notes payable otherwise than in currency which is legal tender in the Territory shall be deemed to be foreign currency; and for the purposes of sub-regulation (1) (a), documents of title relating to securities shall be deemed to be securities, and references to securities in sub-regulations (3), (4) and (5) shall be construed as including references to such documents of title.

(7) If in any criminal proceedings against any person for a contravention of paragraph (a), (b) or (c) of sub-regulation (1) it is proved that such person has stated in any document of which he is proved or has admitted himself to be the author, that he—

- (a) has taken or sent out of the Territory any bank-notes, gold, securities or foreign currency, or has transferred any securities from the Territory elsewhere; or
- (b) has sent, consigned or delivered any bank-notes, gold, securities or foreign currency to any person for the purpose of taking, sending or transferring such bank-notes, gold, securities or foreign currency out of the Territory; or
- (c) has made any payment to or in favour or on behalf of a person resident outside the sterling area or has placed any sum to the credit of such person.

the production to the Court of the document containing any such statement shall be sufficient proof of the truth of the said statement, and the accused person may thereupon be convicted of the offence with which he is charged without any further evidence, unless he proves that the act or transaction which forms the subject-matter of the charge did not in fact take place.

BLOCKED ACCOUNTS.

4. (1) In this regulation "blocked account" means an account opened with an authorised dealer for the purposes specified in the succeeding sub-regulations.

(2) Whenever a person in the Territory is under a legal obligation to make a payment to a person outside the Territory but is precluded from effecting the payment as a result of any restrictions imposed by or under these regulations, the Resident Commissioner may authorise such person to make the payment to a blocked account.

(3) The Resident Commissioner may by Notice in the *Gazette* direct, in respect of any particular person who is not in the Territory, or in respect of persons resident in a particular country, that all sums due by any other persons to such particular person or to persons resident in such particular country (hereinafter referred to as a "creditor") shall be paid into a blocked account.

(4) Whenever such direction has been given—

- (a) any person who holds or may thereafter hold moneys on behalf of any creditor mentioned in sub-regulation (3), or who is or may thereafter become indebted to such a creditor, shall forthwith, or, as the case may be, on the date upon which such moneys become due or such debt becomes payable, pay the said moneys or the sum representing such debt into the said blocked account;
- (b) no person shall, without permission of the Resident Commissioner, make any payment on behalf of any creditor mentioned in sub-regulation (3);
- (c) any person who owes money to such a creditor but is not under a legal obligation to make a payment, unless called upon by his creditor to do so, shall forthwith report to the Resident Commissioner, in writing, the amount of his indebtedness to the said creditor and the conditions on which the amount will become payable. The Resident Commissioner may thereupon, if the amount is payable at call, order him to pay the amount forthwith into a blocked account, or, if the amount is payable within a specified period after notice, order him to pay the amount into a blocked account within such period;
- (d) no person shall, without the permission of the Resident Commissioner, undertake any transaction in respect of property or assets belonging to or directly or indirectly controlled by any creditor mentioned in sub-regulation (3), or take any action whereby any moneys, which would otherwise have accrued to such a creditor, cease to become due to him or whereby any obligation resting upon such person to pay any moneys due or payable to such a creditor into a blocked account would otherwise be eroded.

(5) Any payment made to a blocked account in terms of this regulation shall, to the extent of the sum paid, operate as a valid discharge to the person making payment.

(6) Where the liability to make the payment is a liability to make the payment in currency other than Union currency, the amount of the liability in Union currency and the extent of the discharge shall be ascertained by converting the amount into Union currency at a rate fixed by the Resident Commissioner.

(7) No sum standing to the credit of a blocked account shall be dealt with in any way except with permission granted by the Resident Commissioner or a person authorised by the Resident Commissioner.

(8) The Resident Commissioner may grant exemptions from the provisions of this regulation and may authorise the refund to any person of moneys paid by him into a blocked account. To the extent of such refund no payment shall be deemed to have been made for the purposes of sub-regulation (5).

ACQUISITION BY THE RESIDENT COMMISSIONER
OF GOLD.

5. (1) Every person resident in the Territory who becomes entitled to sell or to procure the sale of any gold shall, within thirty days after becoming so entitled, offer that gold, or cause it to be offered, for sale to the Resident Commissioner or to a person authorised by the Resident Commissioner to act under this regulation; and the Resident Commissioner or a person so authorised may purchase that gold at such price as the Resident Commissioner may fix, being a price which, in the opinion of the Resident Commissioner, is not less than the market value of the gold on the day of purchase.

(2) The provisions of sub-regulation (1) of this regulation shall not impose upon any person an obligation to offer any gold for sale or to cause any gold to be offered for sale, if—

(a) he satisfies the Resident Commissioner or a person so authorised—

(i) that all the persons interested in that gold, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge which came into being before the sixth day of September, 1939, but including any persons beneficially interested in the gold under a trust, are not resident in the Territory; or

(ii) that the gold is required for the purpose of performing a contract made before the said day; or

(iii) that the gold is held for the purpose of meeting the reasonable requirements of a trade or business carried on in the Territory otherwise than by way of dealing in gold; or

(b) he is, in respect of that gold, exempted from this regulation by the Resident Commissioner or by a person so authorised.

(3) If in any criminal proceedings against any person for failure to comply with sub-regulation (1), there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any gold is held by him or on his behalf or in his

name, it shall be presumed until the contrary is proved that such person is entitled to sell or to procure the sale of the gold in question.

**ACQUISITION BY THE RESIDENT COMMISSIONER
OF FOREIGN CURRENCY.**

6. (1) Every person resident in the Territory who becomes entitled to sell or to procure the sale of any foreign currency shall, within thirty days after becoming so entitled, make or cause to be made a declaration in writing of such foreign currency to the Resident Commissioner or to an authorised dealer.

(2) Every person resident in the Territory who becomes entitled to assign or to procure the assignment of any right to receive outside the Territory, in respect of any credit or of any balance at a bank, payment of any amount in a foreign currency shall, within thirty days after becoming so entitled, make or cause to be made a declaration in writing of such right to the Resident Commissioner or to an authorised dealer.

(3) Any person who has, in terms of sub-regulation (1) or (2), made a declaration in writing to the Resident Commissioner or to an authorised dealer shall be deemed to have offered such foreign currency or such right, as the case may be, for sale to the Resident Commissioner or to such authorised dealer, and the Resident Commissioner or such authorised dealer may purchase such foreign currency or such right at a price which in the case of foreign currency shall not be less than the market value of that currency on the day of purchase and in the case of a right shall be such as the Resident Commissioner may fix.

(4) Any person from whom the Resident Commissioner or an authorised dealer purchases foreign currency or a right in terms of this regulation shall do all things necessary for the purpose of transferring that foreign currency or assigning that right to the Resident Commissioner or to such authorised dealer.

(5) No person who is entitled (whether actually or contingently) to receive a payment in a foreign currency shall, except with permission granted by or on behalf of the Resident Commissioner, do, or refrain from doing, any act with intent to secure that—

- (a) the receipt by him of the whole or any part of the payment in such currency is delayed;
- (b) the payment ceases, in whole or in part, to be receivable by him or receivable in that currency;
- (c) the contingency on which the right to receive payment as aforesaid is dependent (including the declaration of a dividend or profit by a company in which such a person has an interest), does not eventuate.

(6) Any foreign currency or any right in respect of which a declaration has been made in terms of sub-regulation (1) or (2) but which has not been purchased by the Resident Commissioner or by a person authorised by the Resident Commissioner to act under this regulation shall not be sold, transferred or otherwise disposed of without the permission of the Resident Commissioner.

(7) The provisions of sub-regulations (3), (4) and (6) shall not impose upon any person an obligation in respect of any foreign currency or any right if—

(a) he satisfies the Resident Commissioner that all the persons interested in that currency or that right, as the case may be, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge which came into being before the 6th day of September, 1939, but including any persons beneficially interested in that currency or that right under a trust, are resident outside the Territory; or

(b) he is, in respect of that currency or that right, as the case may be, exempted from this regulation by the Resident Commissioner.

(8) The Resident Commissioner may withdraw any exemption granted in terms of paragraph (b) of sub-regulation (7).

(9) For the purpose of this regulation, any person who has at any time since the sixth day of September, 1939, been in the Territory shall be deemed, until the contrary is proved, to have been and still to be resident in the Territory.

(10) (a) No person shall, during any period of twelve months commencing upon the date of coming into force of these regulations, export from the Territory to a country outside the sterling area 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 set out in Schedule I hereto, duly completed and signed by the consignor or a person duly authorised by him and attested by an authorised dealer:

Provided that—

(i) 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; and

(ii) where goods are exported to Lourenco Marques or via Lourenco Marques to countries outside the sterling area, from stations where there are no customs officers, the relative declaration shall be forwarded direct to the Resident Commissioner.

(b) The Resident Commissioner may direct that the said declaration shall be completed in respect of any commodity or article, irrespective of its value.

(c) For the purposes of this sub-regulation "value" shall mean the value for customs purposes as defined in section *thirty-eight* of Proclamations Nos. 19, 20 and 21 of 1925.

(11) If in any proceedings against any person for a contravention of sub-regulation (1) of this regulation, there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any foreign currency is held by him or in his name or on his behalf, it shall be presumed until the contrary is proved that such person is entitled to sell or to procure the sale of the foreign currency in question.

(12) If in any proceedings against any person for a contravention of sub-regulation (2) of this regulation, there is produced to the Court any document of which such person is proved or has admitted himself to be the author and which contains a statement by such person from which it may reasonably be inferred that any amount is standing to his credit outside the Territory or that he has any balance at a bank outside the Territory, it shall be presumed until the contrary is proved that such person is entitled to assign or to procure the assignment of such a right as is referred to in the said sub-regulation (2).

POWER TO PRESCRIBE CURRENCIES IN RESPECT OF CERTAIN TRANSACTIONS.

7. The Resident Commissioner may from time to time prescribe, by Notice in the *Gazette* or by instructions to authorised dealers, the currency or currencies or the manner 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 an authorised dealer, make or receive payment otherwise than in the currency or currencies or in the manner so prescribed.

RESTRICTION ON EXPORT OF CAPITAL.

8. (1) No person shall, except with permission granted by the Resident Commissioner or by an authorised dealer—

- (a) export from the Territory to a country outside a sterling area during any period of twelve months, commencing upon the date of coming into force of these regulations, 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 sterling area; 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 to a country outside the sterling area 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 to a country outside the sterling area.

(2) The provisions of sub-regulations (3), (4) and (5) of regulation 3 shall apply *mutatis mutandis* to goods referred to in sub-regulation (1) (b).

(3) For the purposes of this regulation "value" shall mean the value for customs purposes as defined in section *thirty-eight* of Proclamations Nos. 19, 20 and 21 of 1925.

ASSIGNMENT TO THE RESIDENT COMMISSIONER OF RIGHT TO EXPORTED GOODS.

9. (1) Whenever a person has exported goods from the Territory to any country outside the sterling area and has failed to sell such goods within six months from the date of export from the Territory or within such shorter period as may have been determined in terms of sub-regulation (1) (a) (iii) of regulation 8, without having permission in terms of sub-regulation (1) of regulation 8 aforesaid to export such goods without sale, or without payment within the period mentioned by sub-regulation (1) (a) (iii) aforesaid; then in such event such person shall within fourteen days from the date of expiry of the said period report in writing to the Resident Commissioner or to an authorised dealer that the said goods have not been sold, and the Resident Commissioner may thereupon order such person to assign to the Resident Commissioner or to a person authorised by the Resident Commissioner his right to the said goods.

The sum payable as consideration for any assignment in terms of this regulation shall be such sum as may be determined by or on behalf of the Resident Commissioner, but shall not be less than the amount realised by the Resident Commissioner after deduction of the cost of realisation.

(2) After the date on which this regulation comes into force, no person shall export any goods on conditions which would preclude him from giving effect to an order issued in terms of sub-regulation (1).

ASSIGNMENT TO THE RESIDENT COMMISSIONER OF
RIGHT TO GOODS PURCHASED OUTSIDE THE
STERLING AREA.

10. (1) Whenever a person in the Territory has purchased goods in any country outside the sterling area and has paid for or made a payment on account of such goods, but the said goods have not been shipped to the Territory within four months from the date on which such payment was made, such person shall within fourteen days from the date of expiry of the said period of four months report in writing to the Resident Commissioner, or to an authorised dealer, that the goods have not been shipped to the Territory and the Resident Commissioner may thereupon order such person to assign to the Resident Commissioner or to a person authorised by the Resident Commissioner his right to the said goods.

The sum payable in consideration for any assignment made in accordance with this regulation shall be such as the Resident Commissioner may fix, but shall not be less than the amount realised by the Resident Commissioner after deduction of the cost of realisation.

(2) After the date on which this regulation comes into force, no person shall purchase any goods on conditions which would preclude him from giving effect to an order issued in terms of sub-regulation (1).

(3) If in any criminal proceedings against any person for failure to make a report to the Resident Commissioner or to an authorised dealer as required by sub-regulation (1), it is proved that such person was unable, after the expiration of a period of six months from the date upon which any payment referred to in the said sub-regulation was made by him, to produce a bill of entry import in respect of the goods in question after having been called upon to do so by the Resident Commissioner or by an authorised dealer, it shall be presumed until the contrary is proved that the goods in question were not shipped to the Territory within four months from the said date.

ACQUISITION BY THE RESIDENT COMMISSIONER OF
CERTAIN SECURITIES.

11. (1) The Resident Commissioner may, by Notice in the *Gazette*, direct the owners of any securities specified in the Notice, being securities which, in the opinion of the Resident Commissioner, are likely to be marketable outside the Territory, to make to the Resident Commissioner, in such form and manner and within such period as may be specified in the Notice, a return giving such particulars with respect to those securities as may be specified in the Notice.

(2) The Resident Commissioner, if he is of the opinion that it is expedient so to do for the purpose of strengthening the financial position of the Territory, may order transfer to the Resident Commissioner any such securities as aforesaid specified in the order, at a price specified in the order, being a price which, in the opinion of the Resident Commissioner, is not less than the market value of the securities at the date of the order; and upon the making of such an order—

- (a) the securities to which the order relates shall forthwith vest in the Resident Commissioner free from any mortgage, pledge or charge, and the Resident Commissioner may deal with the securities as he thinks fit; and
- (b) the owners of any of the securities to which the order relates and any person who is responsible for keeping any registers or books in which any of those securities are registered or inscribed, or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Resident Commissioner may direct to be done for the purpose of ensuring that the securities and all documents of title relating thereto are delivered to the Resident Commissioner or to such person as the Resident Commissioner may direct, and, in the case of registered or inscribed securities, that the securities are registered or inscribed in the name of the Resident Commissioner or such person as the Resident Commissioner may direct.

(3) The duty to deliver any security under sub-regulation (2) shall include a duty to do all such things as are necessary to ensure that any dividends or interest on that security becoming payable on or after the date of the order shall be paid to the Resident Commissioner; and if, in the case of any security payable to bearer which is delivered in pursuance of the said sub-regulation, any coupons conveying the right to any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Resident Commissioner may think fit:

Provided that, if the price stated in the order in relation to any securities is *ex* any dividend or *ex* any interest, this sub-regulation shall not apply to that dividend or interest or to any coupon conveying the right thereto.

(4) A certificate signed by any person authorised in that behalf by the Resident Commissioner that any securities specified therein are securities transferred to the Resident Commissioner under this regulation shall be treated by all persons responsible for keeping any registers or books in which the securities are registered or inscribed, or who are otherwise concerned with

the registration or inscription of those securities, as conclusive evidence that the securities have been so transferred.

(5) This regulation shall not apply to any security if the Resident Commissioner is satisfied that at all times since the beginning of the sixth day of September, 1939, all the persons interested in the security, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge which came into being before the said day, but including any persons beneficially interested therein under a trust, were not resident in the Territory.

RESTRICTION ON DEALINGS IN SECURITIES BELONGING TO PERSONS OUTSIDE THE STERLING AREA.

12. (1) No person shall without permission granted by the Resident Commissioner dispose of, acquire, transfer or register the transfer of any security the ownership of which vests in a person who is either temporarily or permanently resident outside the sterling area or any security in which such person has an interest.

(2) The Resident Commissioner may, by Notice in the *Gazette*, direct persons in the Territory who hold, possess or have in their custody any securities the ownership of which vests in any person temporarily or permanently resident outside the sterling area or any securities in which any such person has an interest, to make to the Resident Commissioner or to a person authorised by the Resident Commissioner in form and manner and within such period as may be specified in the Notice, a return giving such particulars in respect of those securities, as may be so specified.

PROHIBITION OF DEALINGS IN BEARER SECURITIES.

13. (1) No person shall pay any dividend or interest coupon issued in respect of any bearer security, irrespective of whether such coupon became payable before or becomes payable after the commencement of this regulation.

(2) No person shall dispose of, acquire or otherwise deal in bearer securities.

(3) The owner of any bearer security may, with the permission of the Resident Commissioner, convert such security into a registered security.

(4) Applications for permission to convert bearer securities into registered securities shall be accompanied by an affidavit in the form set out in Schedule II hereto, duly completed by the owner of the security or his authorised agent.

5. (a) The Resident Commissioner or a person authorised by the Resident Commissioner may grant exemptions from the provisions of sub-regulations (1) and (2).

(b) The provisions of sub-regulation (4) shall *mutatis mutandis* apply in respect of applications for exemption under paragraph (a) of this sub-regulation relating to bearer securities or to dividend or interest coupons issued in respect of such bearer securities.

(6) The provisions of this regulation shall apply in respect of all bearer securities in the Territory of companies incorporated in the Territory and to dividend and interest coupons of such companies presented for payment in the Territory.

CONTROL OF CAPITAL ISSUES.

14. (1) Except with the consent of the Resident Commissioner and in accordance with such conditions as the Resident Commissioner may impose, no person shall during any calendar year—

- (a) make in the Territory an issue of capital to an amount exceeding five thousand pounds; or
- (b) renew or postpone the date of maturity of securities maturing for repayment in the Territory which amount in the aggregate to more than five thousand pounds.

(2) No person shall issue any prospectus or other document offering for subscription any securities which does not include a statement that the Resident Commissioner has consented to the issue of the securities.

(3) For the purpose of this regulation a person shall be deemed to make an issue of capital who—

- (a) issues any securities (whether for cash or otherwise); or
- (b) receives any money on loan on the terms, or in the expectation that the loan will or may be repaid wholly or partly by the issue of any securities, or by the transfer of any securities issued after the making of the loan:

Provided that the raising of any loan by any local authority shall be deemed to constitute an issue of capital whether or not securities are issued or transferred in connection with such loan.

RESTRICTION ON IMPORT OF BANK-NOTES OF THE BANK OF ENGLAND.

15. (1) No person shall, except with permission granted by the Resident Commissioner, import into the Territory bank-notes of the Bank of England.

(2) The Resident Commissioner may order any person who is in possession of notes of the Bank of England to deposit such notes for safe custody with the Resident Commissioner, and any notes so deposited shall not be released except with permission granted by the Resident Commissioner.

**POWER OF RESIDENT COMMISSIONER TO PROHIBIT
ACTION ON CERTAIN ORDERS AS TO GOLD, ETC.**

16. If the Resident Commissioner is satisfied that owing to changes in the external or internal position of any State, action is being, or is likely to be taken to the detriment of the economic position of the Territory, the Resident Commissioner may give general or special directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by the Resident Commissioner, of any order given by or on behalf of—

- (a) that State or any functionary thereof or any person being or carrying on business therein; or
- (b) any body corporate which is incorporated under the laws of that State or is under the control of that State or of any functionary thereof or of any person being or carrying on business therein;

in so far as the order—

- (i) requires any payment to be made or any gold or securities to be parted with; or
- (ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held.

TRANSFER OF BUSINESSES AND UNDERTAKINGS.

17. No person resident in the Territory shall without the consent of the Resident Commissioner—

- (a) transfer to a person resident outside the Territory any trade, business or undertaking carried on by him in the Territory; or
- (b) do any act which is calculated to secure, or which forms part of a series of acts which together are calculated to secure, the transfer as aforesaid of any such trade, business or undertaking; or
- (c) do any act whereby the management or control of such trade, business or undertaking is in any manner, whether wholly or partially, transferred out of the Territory.

**BUSINESS CONTROLLED BY PERSONS OUTSIDE THE
TERRITORY.**

18. Where the control of any business is established outside the Territory, any transaction with a branch of such business in the Territory shall be treated as if the said branch were a separate person. The manager or controller of such branch in the Territory shall assume the same obligations under these regulations as he would have been required to assume if the said branch were independent of control from outside the Territory.

CONTROL BY THE RESIDENT COMMISSIONER
OF BUSINESS OR UNDERTAKINGS.

19. Whenever the Resident Commissioner is satisfied—

- (a) that the control or management of the affairs, property or business of any person is such that the provisions of any of these regulations are being, or are likely to be, circumvented or evaded; and
- (b) that in order to prevent such circumstances or evasion it is necessary for the Resident Commissioner to control or manage the affairs, property or business of such person,

the Resident Commissioner may appoint a controller in respect of the affairs, property or business of such person and may confer on the said controller such powers as he may deem expedient for the managing or otherwise dealing with the said affairs, property or business.

PROVISION OF SECURITY.

20. (1) The Resident Commissioner or a person authorised by the Resident Commissioner may order any person to provide security, in such form and in such 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 or by a person authorised by the Resident Commissioner.

(2) Where any person who has provided security in terms of this regulation has failed to comply with the provisions of the regulations in respect of which the security has been provided, the Resident Commissioner may direct that the said security shall be forfeited for the benefit of the Resident Commissioner.

The forfeiture of such security shall not prevent any other action against the person concerned for his failure to comply with the provisions of these regulations.

FURNISHING OF INFORMATION.

21. (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) If any person makes any statement in any information furnished in compliance with such an order, which is in conflict with any other statement

previously made by him in giving information required in connection with the subject-matter of such order, he shall be deemed to have made an incorrect statement in terms of regulation 24 and may, on an indictment, summons or charge alleging that he made the two conflicting statements, be convicted of making an incorrect statement in contravention of the said regulation 24 upon proof of the two statements in question and without proof as to which of the said statements was incorrect, unless he proves that when he made each statement he believed it to be true.

EXEMPTION FROM STAMP DUTY.

22. Stamp duty shall not be chargeable on any document made for the sole purpose of meeting the requirements of these regulations.

FORMS.

23. The Resident Commissioner may prescribe such forms for the purposes of these regulations as he may think expedient.

PENALTY.

24. Every person who contravenes or fails to comply with the provisions of any of these regulations, or contravenes or fails to comply with the terms of any notice or order or direction issued or any permission or exemption granted under these regulations, or who obstructs any person in the execution of any power or function assigned to him by or under these regulations, or who makes any incorrect statement in any declaration made or return rendered for the purposes of these regulations (unless he proves that he did not know, and could not by the exercise of a reasonable degree of care have ascertained, that the statement was incorrect) or refuses or neglects to furnish any information which he is required to furnish under these regulations, shall be guilty of an offence and liable upon conviction to a fine not exceeding five thousand pounds or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment:

Provided that where any person is convicted of an offence against any of these regulations in relation to any security, foreign currency, gold, bank-note, cheque, postal order, bill, note, debt, payment or goods, the fine which may be imposed on him shall be a fine not exceeding five thousand pounds, or a sum equal to the value of the security, foreign currency, gold, bank-note, postal order, bill, note, debt, payment or goods, whichever shall be the greater.

REPEAL OF REGULATIONS.

25. (1) The following High Commissioner's Notices are hereby cancelled:—

Nos. 234, 235 and 236 of 1939.

Nos. 126, 127 and 128 of 1940.

- Nos. 136, 137 and 138 of 1940.
- No. 165 of 1940.
- Nos. 226, 227 and 228 of 1940.
- Nos. 20, 21 and 22 of 1942.
- Nos. 152, 153 and 154 of 1942.

(2) Any certificate issued, exemption, permission or consent granted, order given, period fixed, return, declaration, report or appointment rendered or made, security provided, information furnished or act done under or in terms of the provisions of any regulation repealed by this regulation, shall be deemed to have been issued, granted, given, fixed, rendered, made, provided, furnished or done under or in terms of the corresponding provision of these regulations:

Provided that the provisions of this sub-regulation shall not apply in respect of any power or function, vested in the Resident Commissioner by any regulation so repealed, which the Resident Commissioner exercised through the medium of a Notice in the *Gazette*.

SCHEDULE I.

DECLARATION IN REGARD TO FOREIGN EXCHANGE PROCEEDS OF EXPORTS.

(For completion by consignee or person authorised by him.)

The Director of Customs and Excise.

at
 I, We, do hereby declare that the proceeds of the sale or disposal of the goods detailed in the subjoined schedule have been/will be—

* (a) paid to at
 (Name of authorised dealer)

* (b) exempted by the Resident Commissioner in terms of sub-regulation 7 (b) of regulation 6 of the Emergency Finance Regulations.

Dated at this day of 19

Attested by—

No. and Date of Export Entry.	Authorised Dealer.			Description of Goods.	No. of Packages or Weight or Quantity.	VALUE.		Time and Method of Payment.
	Name of Vessel.	Name and Address of Consignor.	Name and Address of Consignee.			S.A. Currency.	Foreign Currency.	
						£ s. d.		

* Delete whichever is not applicable.

SCHEDULE II.

Form F.S. 1.

AFFIDAVIT.

[To be completed by the owner(s) of a bearer security in terms of sub-regulations (4) and (5) (b) of regulation 13 of the Emergency Finance Regulations.]

1. (a) Name of company.

(b) Nature of security (state whether share or debenture).

(c) Nominal value per share or debenture.

(d) Total number of securities covered by the application.

(e) Serial numbers as detailed in attached list.

2. (a) Full name of owner.

(b) Full residential address.

3. I/We hereby solemnly declare that I/we acquired the security as specified in paragraph 1 on 19

..... (name and address of person from whom acquired)

and that—

* (a) all rights flowing from the ownership of the said security have vested in me/us since that date; or

* (b) since that date no person other than those specified hereunder has directly or indirectly owned or had any interest in the said security.

* Delete whichever is not applicable.

