

BECHUANALAND PROTECTORATE.
HIGH COMMISSIONER'S NOTICE
No. 313 of 1942.

It is hereby notified for general information that under and by virtue of the powers vested in him by section *one* of the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939 (No. 36 of 1939), His Excellency the High Commissioner has been pleased to make the following further amendments in the Bechuanaland Protectorate Defence Regulations, 1939, hereinafter referred to as "the principal Regulations", published under High Commissioner's Notice No. 150 of 1939:—

1. Regulation 17 of the principal Regulations, published under High Commissioner's Notice No. 98 of 1940, as amended by High Commissioner's Notice No. 152 of 1940, is hereby further amended as follows:—

(1) By inserting, immediately after paragraph (1a), the following paragraph:—

"(1b) If the Resident Commissioner has reasonable cause to believe—

(a) that the recent conduct of any person for the time being in an area to which this paragraph applies, or any words recently written or spoken by such a person expressing sympathy with the enemy, indicates or indicate that that person is likely to assist the enemy; and

(b) that by reason thereof it is necessary to exercise control over that person;

he may make an order against that person directing that he be detained.

The Resident Commissioner may by order apply this paragraph to any area to which he thinks it necessary or expedient that this paragraph should apply, having regard to any actual or immediately apprehended enemy action."

(2) by inserting in paragraph (2), immediately after sub-paragraph (b), the following sub-paragraphs:—

"(c) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;

(d) requiring him to notify his movements in such manner, at such times, and to such authority or person as may be so specified;

(e) prohibiting him from travelling except in accordance with permission given to him by such authority or person as may be so specified,".

2. The following Regulations, numbersd 17A and 17B, are hereby inserted immediately after Regulation 17 of the principal Regulations:—

Deportation of Aliens.

17A. (1) The Resident Commissioner may, if he thinks fit, in any of the cases mentioned in this Regulation make an order (in this Regulation referred to as a deportation order) requiring an alien to leave and to remain thereafter out of the Bechuanaland Protectorate.

(2) An order made under this Regulation may be made subject to any condition which the Resident Commissioner may think proper.

(3) An alien with respect to whom a deportation order is made shall leave the Bechuanaland Protectorate in accordance with the order, and shall thereafter so long as the order is in force remain out of the Bechuanaland Protectorate.

(4) An alien with respect to whom a deportation order is made, or a certificate is given by a court with a view to the making of a deportation order, may be detained in such manner as may be directed by the Resident Commissioner, and may be removed from the Bechuanaland Protectorate in such manner as the Resident Commissioner may think fit, and shall be deemed to be in legal custody whilst so detained and pending such removal from the Bechuanaland Protectorate.

(5) Where a deportation order has been made with respect to any alien, and, in the opinion of the Resident Commissioner—

(a) the deportation of the alien would be impracticable or prejudicial to the efficient prosecution of any war in which His Majesty may be engaged, and

(b) the detention of the alien is necessary or expedient for securing the public safety, the defence of the Bechuanaland Protectorate, or the maintenance of public order,

the Resident Commissioner may direct that the alien be detained; and an alien detained in pursuance of any such direction shall be deemed to be in legal custody and shall be detained in such manner as the Resident Commissioner may direct.

(6) A deportation order may be made in any of the following cases:—

(a) If any court certifies to the Resident Commissioner that the alien has been convicted by that court, or by any inferior court from which the case of the alien has been referred for sentence or brought by way of appeal, of any offence for which the court has power to impose imprisonment without the option of a fine, and that court recommends that a deportation order should be made in his case either in addition to or in lieu of sentence: or

(b) If the Resident Commissioner deems it to be conducive to the public good to make a deportation order against the alien.

(7) Where any case in which a court has made a recommendation for deportation is brought by way of appeal against conviction or sentence before any higher court, and that court certifies to the Resident Commissioner that it does not concur in the recommendation, such recommendation shall be of no effect but without prejudice to the power of the Resident Commissioner to make an order of deportation under the last-foregoing provision.

(8) Where a deportation order is made in the case of any alien, the Resident Commissioner may, if he thinks fit, apply any money or property of the alien in payment of the whole or any part of the expenses of or incidental to the deportation of such alien and the maintenance until deportation of the alien and his dependants (if any).

Detention of Aliens in Transit.

17b. (1) If the Resident Commissioner has reasonable cause to believe that any alien on board any aircraft arriving in the Bechuanaland Protectorate has recently been concerned in acts prejudicial to the public safety or the defence of the Bechuanaland Protectorate or the efficient prosecution of the war, or in the preparation or instigation of such acts, he may order such alien to be removed from such aircraft and detained.

(2) If the Resident Commissioner is satisfied that it is necessary or expedient for the public safety or for the defence of the Bechuanaland Protectorate that any alien detained under this Regulation should be removed from the Bechuanaland Protectorate he may order the removal of such alien to any country willing to receive him.

(3) The provisions of paragraph (8) of Regulation 17A shall apply in the case of any alien ordered to be removed from the Bechuanaland Protectorate under this Regulation."

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 24th November, 1942.