

BASUTOLAND, BECHUANALAND  
PROTECTORATE, SWAZILAND.

HIGH COMMISSIONER'S NOTICE  
No. 26 of 1943.

CONTROL OF BUILDING MATERIALS.

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 following further regulations relating to the control of building materials in Basutoland, the Bechuanaland Protectorate and Swaziland (each of which is hereinafter respectively referred to as "the Territory").

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN;  
Administrative Secretary.

High Commissioner's Office,  
Cape Town, 30th January, 1943.

REGULATIONS.

1. In these regulations the expressions "person", "prohibited stock", "unprohibited stock", "merchant", "manufacturer", "contractor", "goods", "defence work", "authorised officer" and "Controller" shall have the respective meanings assigned thereto by the regulations published under High Commissioner's Notice No. 342 of 1942.

2. The regulations published under High Commissioner's Notice No. 342 of 1942 are hereby amended wherever such regulations are inconsistent with these regulations.

3. As from the date of publication of this Notice in the *Gazette* any merchant who complies with regulation 4 hereof shall not be required to render a *monthly* return as provided for in regulation 4 of High Commissioner's Notice No. 342 of 1942, but shall render the returns called for below *in duplicate* in the manner set out in the Form B. 1 (amended) of the stocks on hand as at the dates mentioned. Such returns shall in all respects be in compliance with

the provisions of regulation 4 of High Commissioner's Notice No. 342 of 1942, except that those in respect of each period shall indicate the stocks on hand at the end of the previous period and the transactions during the period in respect of which the returns refer.

The following returns are required:—

- (a) *First return*, of stock on hand as at the 31st January, 1943, in respect of the monthly period of January, 1943.
- (b) *Second return*, of stock on hand as at the 31st March, 1943, in respect of the two-monthly period of February and March, 1943.
- (c) *Third and subsequent returns*, of stock on hand as at the 30th June, 1943, 30th September, 1943, 31st December, 1943, and 31st March, 30th June, 30th September and 31st December of each succeeding year after 1943 until further notice; such returns to be in respect of the quarterly periods preceding the dates of such returns.

All returns shall reach the Controller on or before the 10th day of the month following the final date of the period to which they refer.

4. As from the 1st February, 1943, every merchant shall supply the following returns to the Controller, in the manner and within the time limits stated:—

- (a) Every merchant who, on or after the 1st February, 1943, sells or disposes of *prohibited* stock on permit or certified order as provided for in regulation 6 (1) (a) and (b) of High Commissioner's Notice No. 342 of 1942, shall return the original copy of such permit or certified order to the Controller, and such original copy shall reach the Controller not later than ten days after the date of such sale or disposal.

Such merchant shall mark on such original copy of the permit or certified order the date of such sale or disposal, and (unless already so marked) the correct schedule item number (5) of the goods mentioned in such permit or certified order, as appearing on Schedules B and E to High Commissioner's Notice No. 342 of 1942 or any amendments thereof:

Provided that in the event of no duplicate copy of a permit or certified order being provided in accordance with regulation 5 hereof, the merchant shall, before returning the original copy to the Controller, either obtain such duplicate copy or shall himself make a true copy of such original permit or certified order.

- (b) Every merchant or person who, on or after the 1st February, 1943, receives any goods from beyond the borders of the Territory shall notify the Controller in writing on the receipt of such goods, and shall state the date upon which such goods were received and the schedule item number(s) and the quantities of such goods so received. Such notification shall reach the Controller not more than ten days after the date of such receipt.
- (c) Every merchant who disposes of *prohibited* stock to any other merchant, and any merchant who acquires *prohibited* stock from any other merchant, in terms of regulation 6 (2) of High Commissioner's Notice No. 342 of 1942, shall immediately notify the Controller of such disposal or receipt, as provided for in the said regulations.
- (d) Every merchant who, on or after the 1st February, 1943, manufactures any goods for sale or disposal direct to consumers, shall notify the Controller monthly of the quantities of such goods so manufactured in each calendar month, stating the schedule and item numbers thereof, and such notification shall reach the Controller on or before the 10th day of the month following that to which the notification refers.
- (e) Every merchant who, on or after the 1st February, 1943, acquires from a manufacturer any goods manufactured in the Territory by such manufacturer, shall notify the Controller monthly of the quantities of goods so acquired in each calendar month, stating the schedule and item numbers thereof, and such notification shall reach the Controller on or before the 10th day of the month following that to which the notification refers:

Provided that no such monthly notification is required in respect of any goods appearing on the schedules the prohibited percentage of which is "Nil".

- (f) Every merchant who, on or after the 1st February, 1943, receives or disposes of any *prohibited* stock under any circumstances other than those provided for in sub-clauses (a), (b), (c), (d) and (e) hereof, shall immediately notify the Controller of such a receipt or disposal and shall state the circumstances of such receipt or disposal:

Provided that no such notification is required in cases where permission is granted, by or on behalf of the Controller, to any merchant to transfer any prohibited stock in his possession, control or on his premises to unprohibited stock.

Records will be kept by the Controller of all permits, certified orders or other notifications of receipts or disposals of prohibited stock received from merchants, and these will be checked against the returns from merchants provided for in regulation 3 hereof, and any merchant whose receipts or disposals of prohibited stock do not agree with such records will be held answerable for any incorrect statement in his returns.

5. As from the date of publication of this Notice in the *Gazette*—

- (a) all authorised officers endorsing orders in terms of regulation 6 (1) (a) of High Commissioner's Notice No. 342 of 1942 shall endorse such orders in duplicate, and both such copies shall be passed to the merchant supplying the goods;
- (b) all permits issued by or on behalf of the Controller in terms of regulation 6 (1) (b) of High Commissioner's Notice No. 342 of 1942 shall be issued in duplicate, and both such copies shall be passed to the applicant for handing over to the merchant supplying the goods.

The original copy of such orders or permits shall be marked:—

“ To be returned to the Controller of Building Materials by the merchant supplying the goods.”, and the second copy of such orders or permits shall be marked:—

“ Duplicate copy—to be retained by the merchant supplying the goods.”

6. Nothing contained in these regulations shall be deemed to alter regulations 8, 9, 10 and 11 of High Commissioner's Notice No. 342 of 1942, affecting manufacturers and contractors.

7. Any person who contravenes or fails to comply with any provision of these regulations or who knowingly furnishes any incorrect or incomplete information shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.