

BECHUANALAND PROTECTORATE.

No. 54 of 1944.

(Promulgated 22nd December, 1944.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Produce
Licences Proclamation, 1944.

Whereas it is expedient to make better provision for the granting of licences in respect of the purchase of produce for the purpose of trade within the Bechuanaland Protectorate:

Now therefore under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation the expression "produce" means and includes hides, grain, pulse, bones, ostrich feathers, skins of any wild or domestic animal, riems, poultry (including domestic fowls, ducks, geese, pigeons and turkeys) and the eggs thereof, and sheep, goats, pigs, horses, mules and donkeys.

2. (1) No person shall, by himself or through any other person, purchase or otherwise acquire for the purpose of trade any produce within the Territory unless he is in possession of a licence, issued by the District Commissioner of the District in which such person desires to operate, authorising him to do so:

Provided that, except with the prior approval of the Resident Commissioner, no licence under this sub-section shall be issued to any person not domiciled in the Territory:

Provided further that no licence under this sub-section shall be issued to any person authorising him to purchase or otherwise acquire produce within a tribal area, except from a general dealer, without the prior written permission of the Chief of such tribal area, and such permission shall be endorsed by the District Commissioner upon the licence.

(2) This section shall not apply to—

(a) any person who is the holder of a general dealer's licence: Provided that in Districts other than the District in which his general dealer's premises are situated, he shall first obtain the written permission of

the District Commissioner of the District concerned;

(b) any person who is the holder of a hawker's licence: Provided that in Districts other than the District for which his hawker's licence is valid, he shall first obtain the written permission of the District Commissioner of the District concerned;

(c) any person who is the holder of a butcher's licence in respect of any transaction relating to poultry (including domestic fowls, ducks, geese, pigeons and turkeys) and the eggs thereof, or sheep, goats and pigs required for his butchery: Provided that in Districts other than the District in which his butchery is situated, he shall first obtain the written permission of the District Commissioner of the District concerned;

(d) any farmer who purchases or otherwise acquires produce for the purpose of farming operations bona fide conducted by him within the Territory: Provided that in Districts other than the District in which his farm is situated, he shall first obtain the written permission of the District Commissioner of the District concerned;

(e) any native domiciled in the Territory who purchases produce for disposal to any other native so domiciled;

(f) such other person or class of persons for such purposes, and under such conditions, as the Resident Commissioner may direct.

Extension of licence.

3. Any person having obtained a licence under sub-section (1) of the last preceding section who wishes to operate in any District other than that in which his licence was issued shall first obtain the permission of the District Commissioner of such other District, and such permission shall be endorsed by the District Commissioner upon the licence.

Endorsement of conditions on licences.

4. The Resident Commissioner may cause to be endorsed on licences issued under this Proclamation any conditions which he may consider necessary, and any condition so endorsed shall be deemed to be a condition of the licence.

Licence fee.

5. There shall be paid, for such licence, by a person domiciled in the Territory, the sum of £5 in respect of each calendar year or £2. 10s. in respect of a licence taken out after the 30th June, and by a person not domiciled in the Territory, the sum of £5 for three months or any lesser period.

6. Any person who contravenes any provision of section *two* or who fails to comply with any provision of section *three* or who contravenes or fails to comply with any condition endorsed on his licence under section *four* shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, and if he is the holder of a licence under this Proclamation the Court may, in addition to or in lieu of any other penalty, order the cancellation of such licence. Penalties.

7. In any prosecution under this Proclamation the onus of proving that any purchase or other acquisition of produce was effected not for the purpose of trade but for private use shall be upon the person accused. Onus of proof.

8. Subject to the provisions of this Proclamation, the provisions of sections *twenty-three* to *thirty-two*, inclusive, and section *thirty-six* of the Proclamation of the 10th June, 1891, as amended, shall *mutatis mutandis* apply to licences issued under this Proclamation. Application of Proclamation of 10th June, 1891.

9. The Bechuanaland Protectorate Purchase of Produce Licences Proclamation, 1932, and the Bechuanaland Protectorate Purchase of Produce Licences Amendment Proclamation, 1936, are hereby repealed. Repeal of Proclamations Nos. 18 of 1932 and 31 of 1936.

10. This Proclamation may be cited as the Bechuanaland Protectorate Produce Licences Proclamation, 1944, and shall have force and take effect from the first day of January, 1945. Short title and commencement.

GOD SAVE THE KING.

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

E. BARING
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.