

## BECHUANALAND PROTECTORATE

No. 31 of 1945.

(Promulgated 23rd November, 1945.)

### PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Customs and Excise (Amendment) Proclamation, 1945.

Whereas it is expedient to amend the law relating to Customs and Excise in 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. Section *nineteen* of the Bechuanaland Protectorate Customs Proclamation, 1944 (hereinafter referred to as “the principal law”), is hereby amended—

Amendment of section 19 of Proclamation No. 51 of 1944.

(a) by the substitution, for paragraph (e) of sub-section (1), of the following paragraph:—

“(e) goods to which a trade description or a trade mark is applied in contravention of any law;”;

(b) by the addition, at the end of paragraph (g) of sub-section (1), of the words “or in any country with the Government of which the Government of the Union or of the Territory has concluded a reciprocal agreement for the protection of copyright”;

(c) by the addition, at the end of sub-section (1), of the following paragraph:—

“(k) (i) military, naval, or air force clothing and appointments of all kinds, as originally manufactured or as subsequently altered;

(ii) boots of a type usually issued to army, navy or air force personnel;

(iii) blankets and ground sheets of a type usually issued to army, navy or air force personnel, as originally manufactured or as subsequently altered, and kit bags and haversacks of a type usually so issued;

(iv) any other article which the Resident Commissioner may by notice in the *Gazette* declare to fall within the category of war stores; except under a permit issued by the Resident Commissioner."

Amendment of section 23 of Proclamation No. 51 of 1944.

2. Section *twenty-three* of the principal law is hereby amended—

(a) by the substitution, for paragraphs (i) and (ii) of sub-section (3), of the following paragraphs:—

"(i) upon lawful delivery of the goods, after due entry thereof for customs purposes has been made, to the importer or his agent; or

(ii) if due entry of the goods has not been made, upon delivery thereof, in terms of sub-section (1) of section *thirty-one*, to a place indicated by the proper officer."

(b) by the substitution, in sub-section (4), for the words "the importer shall be liable for the duty" of the words "liability for duty shall rest on the importer of the goods or, in the case of goods consigned to the Territory for transshipment to a place outside the Territory, on the person in the Territory who deals with the goods on behalf of the owner thereof."

Amendment of section 30 of Proclamation No. 51 of 1944.

3. Section *thirty* of the principal law is hereby amended by the insertion, after the words "date of importation", of the words: "(which shall, for the purposes of this section, be taken to be the date on which the aircraft or other vehicle bringing the goods arrives at the place to which the said goods are consigned for discharge)".

Amendment of section 4 of Proclamation No. 51 of 1944.

4. Section *forty-three* of the principal law is hereby amended by the deletion in sub-section (3) of the words "on the form prescribed,".

Amendment of section 59 of Proclamation No. 51 of 1944.

5. Section *fifty-nine* of the principal law is hereby amended—

(a) by the insertion, after the word "class" wherever that word occurs in sub-section (1), of the words "or kind";

(b) by the substitution, for paragraph (ii) of the proviso to sub-section (1), of the following paragraph:—

“ (ii) the High Commissioner may limit the amount of any dumping duty mentioned in section *sixty* (or, if more than one of the duties so mentioned has been imposed, the total of such duties) to a percentage of the value of the goods for duty purposes, or alternatively to a specific rate per unit of quantity, volume or weight, which percentage or alternative specific rate shall be determined by him.”;

(c) by the insertion in sub-section (2), after the word “ class ”, of the words “ or kind ”.

6. Section *sixty* of the principal law is hereby amended—

Amend-  
ment of  
section 60  
of Procla-  
mation  
No. 51 of  
1944.

(a) by the substitution, for paragraph (a), of the following paragraph:—

“ (a) ‘ ordinary ’ dumping duty, which shall be the amount by which the domestic value, as defined in section *sixty-one*, exceeds the export price as defined in that section, if such amount is greater than five per centum of the export price: Provided that if there be no export price, the amount of the dumping duty shall, subject to any action taken by the High Commissioner in terms of paragraph (ii) of the proviso to sub-section (1) of section *fifty-nine*, be an amount equal to the domestic value of the goods as defined in section *sixty-six*; ”;

(b) by the deletion of the proviso to paragraph (e).

7. Section *sixty-one* of the principal law is hereby amended by the deletion in the definition of “ export price ” of the words “ , or, if there be no such price, one-half of the domestic value of the goods as provided for in section *sixty-six* ”.

Amend-  
ment of  
section 61  
of Procla-  
mation  
No. 51 of  
1944.

Amend-  
ment of  
section 65  
of Procla-  
mation  
No. 51 of  
1944.

8. Section *sixty-five* of the principal law is hereby amended by the addition thereto of the following sub-section:—

“(3) If the value of any goods according to the provisions of this section is in excess of ten pounds, then for the purpose of assessing the amount of duty payable, such value shall be calculated to the nearest pound, and for this purpose the amount of ten shillings shall be deemed to be less than one-half of one pound.”.

Amend-  
ment of  
section 66  
of Procla-  
mation  
No. 51 of  
1944.

9. Section *sixty-six* of the principal law is hereby amended—

- (a) by the insertion in sub-section (1), after the word “expenses”, of the words “[other than such abnormal costs as are described in sub-section (2) of section *sixty-five*]”;
- (b) by the insertion in sub-section (2), after the expression “sub-section (1),”, of the words “or when goods exported to the Territory are not sold for consumption in the country from which they are so exported,”.

Amend-  
ment of  
section 73  
of Procla-  
mation  
No. 51 of  
1944.

10. Section *seventy-three* of the principal law is hereby amended by the insertion in sub-section (1), after the words “*seventy-two*”, of the words “and *seventy-four*”.

Amend-  
ment of  
section 74  
of Procla-  
mation  
No. 51 of  
1944.

11. Section *seventy-four* of the principal law is hereby amended—

- (a) by the substitution, for the words “release of the goods” in the proviso thereto, of the words “the goods had been removed”;
- (b) by the addition thereto of the following new sub-section, the existing section becoming sub-section (1):—

“(2) An importer who has imported any goods and has paid duty thereon may, if he is the lawful owner of the goods and if they have not been removed from customs control, offer to abandon such goods to the department. If the offer is accepted by the Director, the duty paid on the goods shall be refunded to the importer, and the goods shall become the property of the State to be disposed of as the Director may direct: Provided that the importer shall be liable

for any expenses in connection with the landing of the goods, or their removal to a place of security approved by the proper officer, or their destruction.”.

12. Section *eighty-one* of the principal law is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):—

Amendment of section 81 of Proclamation No. 51 of 1944.

“(2) Any person leaving the Territory shall, if called upon to do so by the proper officer, unreservedly declare all goods in his possession which he proposes taking with him beyond the borders of the Territory and, if so required, produce such goods for inspection by the said officer.”

13. Section *ninety* of the principal law is hereby amended by the substitution in sub-section (1), for the words “be liable to a penalty not exceeding treble the value of the goods or one thousand pounds, whichever is the greater”, of the words “be guilty of an offence and liable on conviction to a fine not exceeding one thousand pounds or treble the value of the goods, whichever is the greater, or in default of payment to imprisonment for a period not exceeding five years, or to both such fine and imprisonment”.

Amendment of section 90 of Proclamation No. 51 of 1944.

14. Section *one hundred* of the principal law is hereby amended by the addition thereto of the following sub-section, the existing section becoming sub-section (1):—

Amendment of section 100 of Proclamation No. 51 of 1944.

“(2) If any person leaving the Territory fails to declare any goods in his possession, in terms of sub-section (2) of section *eighty-one*, he shall be guilty of an offence, and the undeclared goods, and any other goods contained in the same package, as well as the package itself, shall be liable to forfeiture.”

~~15. The Third Schedule to the Bechuanaland Protectorate Customs and Excise (Amendment) Proclamation, 1942, is hereby amended by the insertion, immediately after item (1) (c), of the following words:—~~

Amendment of Third Schedule to Proclamation No. 52 of 1942.

~~“ Provided that in calculating for the purposes of item (b) or (c) above, any number of standard gallons, beer (other than stout), brewed from worts of a specific gravity of less than one thousand~~

*Repealed by P29/46.*

and forty-six degrees shall be deemed to have been brewed from worts of a specific gravity of one thousand and forty-six degrees, and stout brewed from worts of a specific gravity of less than one thousand and sixty-five degrees shall be deemed to have been brewed from worts of a specific gravity of one thousand and sixty-five degrees."

Short title  
and com-  
mencement.

16. This Proclamation may be cited as the Bechuanaland Protectorate Customs and Excise (Amendment) Proclamation, 1945, and shall be deemed to have had force and effect as from the twentieth day of June, 1945.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of November One thousand Nine hundred and Forty-five.

E. BARING,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.