

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE.

No. 187 OF 1946.

CONTROL OF CONSUMPTION OF CERTAIN
WINTER CEREALS AND CEREAL PRODUCTS.

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 regulations set forth in the Annexure hereto relating to the control of consumption of certain winter cereals and cereal products.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 12th August, 1946.

ANNEXURE.

1. (1) No person shall—

(a) at any place where—

(i) meals or refreshments are served against payment or as part consideration for any payment sell, serve or supply for consumption at such place, or partake of, any bread or wheaten product between the hours of 3 p.m. and 4 a.m.; or

(ii) there is a gathering of ten or more persons at any time sell, serve or supply for consumption at such place, or partake of, any bread or wheaten product except for the purpose of partaking of any one of the ordinary daily meals served between 4 a.m. and 3 p.m. except under authority of a permit. Provided that the Controller may, on application of an employer, grant exemption from the provisions of this paragraph in respect of any meals provided by that employer or by his employees exclusively for such employees on the premises where the said employees are employed in shifts covering the full twenty-four hours of the day;

(b) at any place where meals or refreshments are served against payment or as part consideration for any payment serve or supply toasted bread as or with such meals or refreshments;

(c) use, permit the use of, sell or supply bread or meal for any purpose other than human consumption in the form of bread except for consumption by himself or members of his household or under the authority of a permit, issued by the Controller, or otherwise than in accordance with the conditions specified therein;

(d) use any bread, meal or bran for the brewing of kaffir-beer;

(e) sift meal except under the authority of a permit issued by the Controller or otherwise than in accordance with the conditions specified therein;

(f) manufacture, supply, dispose of, expose as if for sale or acquire any sieves, or any framework intended for the making of, or readily convertible into, sieves of a type which is ordinarily used for the sifting of meal, except under the authority of a permit issued by the Controller or otherwise than in accordance with the conditions specified therein;

(g) use, permit the use of, sell or supply any oatmeal, rolled oats or oatflakes (other than crushed oats or ground oats) except as or for breakfast food for human consumption.

(2) Nothing contained in sub-regulation (1) shall be deemed to prohibit any person from—

(a) supplying any bread or wheaten product at any time to a patient in hospital or during ordinary school hours to any scholar at school, or to prohibit a patient or scholar so supplied from partaking of such bread or wheaten product;

(b) selling, serving, supplying or partaking of confectionery between the hours of 9 a.m. and 3 p.m.

2. No dealer in the course of trade with bread or confectionery shall on any Wednesday of any week, sell or supply any bread except as or with meals, refreshments or sandwiches.

3. (1) The Controller may at any time vary any permit issued by him in connection with the purchase, sale, supply, manufacture, processing or use of wheat or meal.

(2) The Controller may cancel or suspend any such permit if, in his opinion, the holder thereof—

(a) has acted in a way which is likely to result—

(i) in a wastage of bread or meal; or

(ii) in the use of bread or meal for a purpose or in a manner which is prohibited by these regulations or any conditions specified in such permit; or

(b) has failed to take reasonable precautions to prevent such waste or usage.

4. Any person authorised thereto, or authorised by the Controller in relation to these regulations to perform any act, may at all reasonable hours—

(a) enter upon any premises or land or place occupied or believed upon reasonable grounds to be occupied by any person to which any of the prohibitions imposed by these regulations relates;

(b) stop, board and search any vehicle which is believed on reasonable grounds to be used for the conveyance of bread, meal or confectionery;

(c) inspect any bread, meal or confectionery and examine any book, account or document found in or upon such premises, land, place or vehicle;

(d) require a statement of the history and an explanation of the presence of any such bread, meal or confectionery and an explanation of any entry or document referring to or suspected to refer to bread, meal or confectionery; and

(e) seize any such book, account, document, bread, meal, confectionery or other article and make any extracts from or copies of any document as may afford evidence of a contravention of any such prohibition.

(a) contravenes any prohibition imposed by these

5. (1) Any person who—

regulations; or

(b) acquires or partakes of any article which is disposed of, supplied or served in contravention of any such prohibition; or

(c) acts in any way which results or is likely to result in a wastage of any bread or wheaten product or in its use for a purpose or in a manner prohibited by these regulations or otherwise than in accordance with any conditions lawfully attaching to the use of such bread or product, or fails to take such reasonable precautions as will prevent such wastage or usage; or

(d) obstructs any person in the performance of any duty or the exercise of any power under regulation 4 or wilfully fails or refuses to make any statement or to give any explanation demanded thereunder, or makes or gives or causes to be made or given a false statement or explanation on any matter referred to therein,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

6. (1) Whenever any manager, agent or employee of any employer does or omits to do any act which

it would be an offence under these regulations for the employer to do or omit to do, then unless it is proved that—

(a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer; and

(b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and

(c) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts whether lawful or unlawful of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under these regulations for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the employer.

7. For the purpose of these regulations "Controller" means the Director of Livestock and Agricultural Services, or his duly appointed representative;

"Bread" means standard bread, crushed or cracked wheat bread, compound bread and white bread;

"Meal" includes meal, flour, semolina and self-raising flour;

"Toasted bread" means any bread which has been dried, browned or roasted by means of heating.

8. These regulations shall come into operation on the date of publication hereof.