

BASUTOLAND, BECHUANALAND
PROTECTORATE, SWAZILAND.

HIGH COMMISSIONER'S NOTICE
No. 188 of 1946.

CONTROL OF JUTE GOODS.

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 sub-joined regulations relating to the control of bags or goods of jute or hessian 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,
Pretoria, 12 August, 1946.

PART I.—GENERAL.

1. In these regulations the following words and expressions have the meanings assigned to them unless the context otherwise requires—

“ Controller of Jute Goods ” (hereinafter called the Controller) means the Government Secretary or such other officer as the Resident Commissioner may appoint;

“ Inspector ” means any person authorised by the Controller in writing to act as inspector under these regulations, and any European member of the Police;

“ bag ” means any new or used jute or hessian container excluding open mesh pockets 13 in. by 32 in., closed mesh pockets 13 in. by 32 in. and 18 in. by 32 in. ;

“ jute goods ” means any new or second-hand jute or hessian whether raw, in the piece or made up (excluding containers and packing and wrapping material while goods are actually contained, packed or wrapped therein) ;

“ High Commission Territories ” means the Territories of Basutoland, the Bechuanaland Protectorate and Swaziland.

2. The following Notices are cancelled :—

High Commissioner's Notices No. 145 of 1942, No. 340 of 1942 and No. 111 of 1946.

PART II—IMPORTS AND EXPORTS.

3. The importation of jute goods into the Territory from whatever source is hereby prohibited except under the authority of a permit issued by the Controller and on such conditions as the Controller may determine.

(Applications for import permits must be made on the form prescribed by High Commissioner's Notices Nos. 223, 224 and 225 of 1941 subject to a stamp fee of 2s. 6d. for each application.)

4. Notwithstanding anything contained in High Commissioner's Notices Nos. 249, 250 and 251 of 1942, as amended, no jute goods and no goods contained, packed or wrapped in bags may be exported from the Territory (except to the Union or another High Commission Territory) unless such goods are covered by an export permit issued by the Controller.

(Applications for export permits must be submitted to the Controller on the form prescribed by the Notices mentioned in regulation 4 subject to a stamp fee of 2s. 6d. per each application.)

PART III.—REGISTRATION AND STOCK RETURNS OF DEALERS IN JUTE GOODS.

5. (1) Every person who owns, has power to dispose of, or is in possession or control of, or whose business wholly or in part is the manufacture, sale or use of jute goods, shall within fourteen days of the publication of these regulations apply to the Controller for registration and render a return of his stocks of jute goods as at 30th June, 1946, or at date of promulgation of these regulations whichever is more convenient, in the form prescribed in Schedule "A" hereto, and thereafter at the end of every calendar month commencing with July, 1946, a monthly return of stocks, receipts and/or production, sales and or disposals of jute goods during the month in the form set out in Schedule "A" hereto. Such returns shall reach the Controller on or before the 7th day following the month in respect of which the return is rendered.

(Note.—Receipts and dealings in jute goods *ex* ship or *ex* store, whether received into store or not, must be included.)

(2) Any person who possesses, controls, manufactures or sells jute goods at more than one place or premises, shall apply for registration and render the returns required by sub-regulation (1) of this regulation in respect of each such place or premises unless otherwise authorised by the Controller.

(3) The provisions of this regulation shall not apply to—

(a) bona fide farmers holding jute goods not in excess of six months' requirements for their own use;

(b) any person for any period during which he holds, possesses or is in control of jute goods not exceeding in quantity one hundred units of wool-pack or jute or hessian containers; or five hundred yards length of jute or hessian material or canvas; or one hundred pounds weight of jute or hessian twines; or one hundred yards length of jute or hessian sash cord or webbing.

PART IV.—TRADING IN JUTE.

6. (1) No person shall sell or otherwise dispose of, and no person who is not registered as required in regulation 5 shall buy any bags, except under the authority of a permit issued by the Controller and upon conditions specified therein.

(2) Any person who wishes to buy bags shall complete an application form in duplicate as set out in Schedule "B" hereto, which he shall hand over to the person from whom he wishes to buy the bags.

The seller, if he is able to supply the bags, shall transmit the same to the Controller duly completed.

(3) (a) This regulation shall not apply to bags acquired or sold with their contents.

(b) No permit to buy bags shall be required by any person who buys from a person who is authorised by the Controller to sell bags.

(c) Bags acquired by retailers and householders or other consumers the contents of which have been retailed or consumed, may be disposed of without permit to any person registered with the Controller under regulation 5.

7. (1) No person shall sell or otherwise dispose of any hessian material of any kind in quantities of one or more bales containing 1,000 or more linear yards of hessian material to any other person during any one calendar year except upon the authority of and subject to the conditions set forth in a permit issued by the Controller.

(2) No person shall use any hessian material for the purpose of manufacturing articles therefrom or for any other purpose if such involves the consumption of more than 1,000 linear yards of such hessian material during any one calendar year, except upon the authority of and subject to the conditions set forth in a permit issued by the Controller.

(3) Any person who wishes to purchase hessian material from any other person shall complete the application form set out in Schedule "C" of the Annexure hereto, which he shall hand over to the person from whom he wishes to purchase the material. The seller, if he is able to supply the material, shall transmit the application form to the Controller, duly completed.

PART V.—CONSERVATION OF JUTE.

8. (1) No person shall—

(a) destroy or cause or permit the destruction of or otherwise render useless any jute or hessian containers other than grade 9, except with the consent of the Controller;

(b) waste, or cause, or permit the wastage of, or act in a manner calculated to result in the wastage of, or fail to take all reasonable precautions to prevent the wastage of jute goods;

(c) use or permit the use of, or fail to take all reasonable precautions to prevent the use of, jute goods for a purpose or in a manner contrary to the provision of these regulations;

(d) wrap or pack any commodity in jute or hessian containers other than single jute or hessian

containers except upon the authority of the Controller;

(e) where jute or hessian containers are used for the bagging of—

- (i) coal, coke or wood, or
- (ii) wheaten or rye bran, or
- (iii) kraal or other manure,

such containers shall not be of a higher grade than grade 2, 3 or 4 respectively.

(2) Any seller of any commodity packed in bags may refuse to deliver any such commodity unless the buyer tenders a like number of bags of like size and similar condition.

9. Any person who delivers coal, coke or wood contained in bags shall on delivery dump the contents at some place indicated by the person receiving the same and shall remove the bags. Provided that the provisions of this regulation shall not apply when such coal, coke or wood is delivered in bags for the purpose of resale and upon completion of such delivery the person delivering the bags obtains from the person receiving the same an equivalent number of bags similar in quality and condition to those so delivered; provided further that the person receiving or in possession of such coal, coke or wood held by him in bags for the purpose of resale provides suitable shelter and makes provision for proper dunnaging to protect such bags against rain, water or other damage.

10. (1) Any person who acquires jute or hessian containers containing lime or cement, for his own use, must return the bags which contained such lime or cement, within thirty days after receipt thereof, to the manufacturer or supplier of such lime or cement.

(2) Any person who acquires jute or hessian bags containing lime or cement, as described in regulation (1) hereof, from a manufacturer of lime or cement, for the purpose of resale (in this regulation referred to as a dealer), shall be responsible to the said manufacturer for the return to him of all the bags used as containers of lime or cement within thirty days of receipt thereof.

To this end the dealer shall make the necessary arrangements to enable him at any time to furnish the said manufacturer with information concerning the whereabouts of such bags as have been handled by the said dealer in the course of his business.

(3) Any manufacturer of lime or cement who sells or otherwise disposes of bags containing such lime or cement shall take all necessary steps to recover such bags, when emptied of their contents, within thirty days of receipt by the dealer or person who intends to make use of the contents and shall report to the Controller any failure to effect recovery, stating the reasons for such failure.

PART VI.—POWERS OF CONTROLLER.

11. The Controller may—

(1) authorise any inspector—

(a) at all reasonable hours to enter upon any premises or land or place in or on which such inspector has reasonable grounds for believing jute goods to be present;

(b) to stop, board and search any vehicle which is believed by such inspector on reasonable grounds to be used for the conveyance of jute goods;

(c) to inspect any jute goods and examine any book, account or document found in or upon such premises, land, place or vehicle;

(d) to require a statement of the history and an explanation of the presence of any jute goods and an explanation of any entry or document referring to or suspected to refer to such goods.

(e) to seize any such book, account, document, jute goods or other article and make any extracts from or copies of any document as may afford evidence of a contravention of these regulations;

(f) to require any person, who may at any time have in his possession or under his control any jute goods to hold that quantity or a percentage thereof, available until such time as direction as to the disposal thereof may be given by the Controller or to deliver it to the Controller or to any person nominated by him;

(2) in his discretion register or refuse to register any applicant in terms of regulation 5 (2) hereof, or cancel the registration of any person already registered who has been convicted of a contravention of any of the provisions of this regulation;

(3) (a) prescribe forms and lay down procedure to be followed in applications for permission to acquire, sell or use jute goods as defined in these regulations;

(b) enter into arrangements and, with the approval of the Resident Commissioner, incur any expenditure or enter into any financial commitment which he may deem necessary for the effective exercise of his powers under these regulations;

(c) appoint such committees or persons as he may deem necessary to assist him in the exercise of the functions conferred upon him by these regulations;

(4) notwithstanding anything contained in these regulations, in his discretion grant to any person exemption from the provisions of any or more of the said Regulations.

PART VII.—OFFENCES.

12. (1) Any person who—

(a) contravenes any of the provisions of these regulations; or

(b) refuses or neglects to make any statement or to give any explanation, or makes or causes to be made a false statement or explanation when a statement or explanation has been demanded by any person authorised to make such demand, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds or to imprisonment with hard labour for a period not exceeding 2 years or to both such fine and imprisonment.

13. (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.

(4) Any jute goods seized or found in noncompliance with or in contravention of these regulations shall be liable to be confiscated by order of the court passing sentence for the contravention or noncompliance and if so confiscated, shall thereafter be disposed of by the Controller.

(No forms will be supplied by the Controller for purposes of these regulations.)

	Yds.	Yds.	Yds.	Yds.	Yds.	Yds.	Yds.	Yds.
4. Jute or Hessian Material in the piece (specify weight and width)—								
(a) 8 oz.—								
72"								
54"								
45"								
36"								
(b) 10 oz.—								
72"								
54"								
45"								
40"								
36"								
(c) 11 oz.—								
45"								
37"								
36"								
(d) Any other (specify weight and width)—								
(1).....								
(2).....								
(3).....								
5. Jute Canvas.....								
6. Tarpaunting.....								
7. Jute and hessian twines.....								
8. Sash cord (in gross yards).....								
9. Jute Webbing.....								

N.B.—If any materials or containers are held for a third party, give the quantity of such stock and the name and address of the owner on an attached list.
 NOTE.—In the case of containers, quantities must be shown in numbers and not bales; in the case of material in the piece, in linear yards, in the case of twines in lbs. and in the case of sash cord and webbing in gross yards.

Stocks ordered for sale in the Territory but held in Lourenco Marques, must be included in the above.
 I certify that the foregoing is a true and correct statement of the position as at the date mentioned above.

Witness:
 1. Signed.....
 2. Address.....
 Signed.....
 Designation.....
 Date.....

SCHEDULE " B. "

APPLICATION FOR A PERMIT TO PURCHASE
JUTE BAGS (GRAIN, POTATO OR SALT BAGS).

To be submitted to the Government Secretary through the person from whom the bags are to be purchased, after being completed in every respect.

Name and address of person or firm making this application.....

.....
Name and address of person or firm from whom the bags are to be purchased.....

- (a) Number of bags now applied for and description thereof.....
- (b) Number of such bags sold and delivered by applicant during the calendar year, previous to the making of this application.....or number of such bags utilised by him for the purposes of his business, other than for resales, during the said calendar year.
- (c) Number of such bags on hand as at 31st December last.....
- (d) Number of such bags sold and delivered and/or used (specify which) during the current year to date of this application.....
- (e) Number of such bags purchased and received during the current year to date of this application. Purchased..... Received.....
- (f) Number of such bags on hand at date of this application and place or places where held.....
- (g) Number of such bags for which at date of this application unexecuted orders are held.....

I, the undersigned, do hereby declare that the information given herein is true and correct to the best of my knowledge and belief and further declare that the containers now in my possession and any other bags allotted to me as the result of this application will not be sold or delivered without the requisite permit to any other person.

Witness:

Signed.....

Address.....

Signed.....

Designation.....

Date.....

SCHEDULE "C."

APPLICATION FOR A PERMIT TO OBTAIN
JUTE OR HESSIAN MATERIAL.

To be submitted, after having been completed in every respect, to the Government Secretary through the person from whom the bales of hessian are to be purchased.

Name and address of person or firm making this application.....

Name and address of person or firm from whom the bales of hessian material are to be purchased.....

- (a) Number of bales now applied for, stating weight and width of material.....if for own use state purpose.....
- (b) Number of such bales sold and delivered by applicant during the calendar year, previous to the making of this application..... or number of such bales utilised by him for the purpose of his business other than for resale, during the said calendar year.
- (c) Number of such bales on hand as at 31st December last.....
- (d) Number of such bales sold and delivered and/or used (specify which) during the current year to date of this application.....
- (e) Number of such bales purchased and received during the current year to date of this application. Purchased..... Received.....
- (f) Number of such bales on hand at date of this application and place or places where held.....
- (g) Number of such bales for which at date of this application unexecuted orders are held.....

I, the undersigned, do hereby declare that the information given herein is true and correct to the best of my knowledge and belief and I further declare that the bales of hessian material now in my possession and any other bales of such material allotted to me as the result of this application will not be sold or delivered, without the requisite permit, to any other person.

Witness:

Signed.....

Address.....

Signed.....

Designation.....

Date.....