

BECHUANALAND PROTECTORATE.

No. 15 OF 1946.

(Promulgated 17th May, 1946.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Ex-Serviceman's Protection Proclamation, 1946.

Whereas it is expedient to provide for the exemption from attachment of certain benefits acquired by persons who served in the late war;

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, unless the context ^{Interpre-} otherwise requires—_{ation.}

“benefit” means any pension, gratuity, property or money of an ex-serviceman or ex-service woman of the war just ended, or any asset or property acquired by them with such pension, gratuity or money, received by them from—

(a) the Government of the Bechuanaland Protectorate, or

(b) the Government of the Union of South Africa, or

(c) the Government of the United Kingdom, or

(d) any other Government of any of the Dominions or Colonies within the British Commonwealth of Nations, or

(e) the Governor-General's National War Fund in the Union of South Africa or any other Organisation within the British Commonwealth of Nations having objects similar to the Governor-General's National War Fund;

“ex-serviceman” and “ex-service woman” include any person, male or female, who has rendered military service, whether in a combatant or a non-combatant capacity, in terms of an attestation for whole-time service during the said war in any part of the world in any recognised unit of His Majesty's Forces.

2. (1) Within three months from the commencement of this Proclamation or within ^{Government} three months from the date of receiving any _{Secretary's} benefit (whichever shall be the later date), any _{Certifi-} ex-serviceman or ex-service woman may file _{cate.} with the Government Secretary a notice in writing disclosing that he or she has acquired a benefit, and thereupon the Government Secretary shall issue to him or her a Certificate

declaring the same to be a benefit within the meaning of this Proclamation.

(2) The notice required to be given and the Certificate to be issued in terms of sub-section (1) shall—

(a) describe the benefit with sufficient particularity to enable the assets included therein to be readily identified;

(b) state the date when such benefit was acquired; and

(c) disclose the name of the Government or Organisation from which the benefit was acquired.

Protection
from
attach-
ment.

3. Upon the issue of the Government Secretary's Certificate in terms of section *two*, no benefit or portion thereof described in the said Certificate and belonging to an ex-serviceman or ex-service woman shall be attached or be subject to any form of execution under a judgment of any court of law, or shall become vested in the trustee in insolvency in the event of the sequestration or surrender of his or her estate, for a period of five years from the date of the acquisition of such benefit or from the commencement of this Proclamation (whichever is the later date), save and except in the case and at the instance of a judgment creditor who has obtained a judgment for the purchase price of property purchased from him by the ex-serviceman or ex-service woman, or in the case and at the instance of a judgment creditor who has obtained a judgment under a duly registered mortgaged bond:

Provided, however, that in any case where money has been attached, the onus shall lie upon the ex-serviceman or ex-service woman, as the case may be, to show that such money is in fact a benefit within the meaning of this Proclamation.

Short Title.

4. This Proclamation may be cited as the Bechuanaland Protectorate Ex-Serviceman's Protection Proclamation, 1946.

GOD SAVE THE KING.

Given under my Hand and Seal at Cape Town this Eighth day of May, One thousand Nine hundred and Forty-six.

E. BARING,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.