

BASUTOLAND.

HIGH COMMISSIONER'S NOTICE
No. 34 of 1947.

CONTROL OF THE CONSUMPTION OF WHEAT
AND WHEATEN PRODUCTS.

It is hereby notified for general information that, under and by virtue of the powers vested in him by section *one* of the Basutoland Wheat and Wheaten Products Control Proclamation, 1941 (No. 64 of 1941). His Excellency the High Commissioner has been pleased to make the subjoined regulations.

High Commissioner's Notice No. 186 of 1946 is hereby cancelled.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary,

High Commissioner's Office,
Cape Town, 31st January, 1947.

REGULATIONS.

1. No person shall—

(a) 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;

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

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

(d) use No. 1 unsifted meal or No. 2 unsifted meal or bran for the manufacture of any product for sale other than bread except under the authority of a permit issued by the Controller or otherwise than in accordance with the conditions specified therein;

(e) have in his possession any wheaten flour, meal or semolina other than No. 1 unsifted meal or No. 2 unsifted meal unless that person is in possession of a permit issued by the Controller for the purchase or sale thereof, or any white bread unless that person is in possession of such a permit in respect of flour, sifted meal or white bread, or in quantities in excess of the quantities specified in such permit;

(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; or

(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. No dealer in the course of trade with bread or confectionery shall on any public holiday or on Wednesday of any week in which no public holiday (except a Sunday) occurs, sell or supply any bread (other than compound bread) except as or with meals, refreshments, or sandwiches.

3. No person who grinds, crushes, grists or otherwise processes wheat shall—

(a) process wheat into any product other than No. 1 unsifted meal or No. 2 unsifted meal except under the authority of a permit issued by the Controller or otherwise than in accordance with the conditions specified therein; or

(b) sell or supply meal except under the authority of a permit issued by the Controller, in quantities in excess of the quantities or otherwise than in accordance with the conditions specified therein: Provided that the Controller may, notwithstanding, and in lieu of the quantities specified in such permit, specially fix the maximum quantity of meal which may during a specified period be sold or supplied to a particular person.

4. (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.

5. Any Administrative Officer, Police Officer, or Officer of the Agricultural Department 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 whom 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 documents as may afford evidence of a contravention of any such prohibition.

6. (1) Any person who—

(a) contravenes any prohibition imposed by these 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 5 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 two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(2) Notwithstanding anything to the contrary contained in any other law a Subordinate Court of the First Class shall have jurisdiction to impose any penalty prescribed by sub-regulation (1).

7. (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 an employer to do or to 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.

8. In these regulations—

“ Controller ” means Controller of Wheat and Wheaten Products, who is the Director of Livestock and Agricultural Services or such other officer as may be appointed by him for the purpose of controlling wheat and wheaten products.

“ Bread ” means any of the grades of bread defined in regulation 6 published in High Commissioner’s Notice No. 104 of 1943, except compound bread. “ Meal ” includes meal, flour, semolina, and self-raising flour as defined in regulation 2 published in High Commissioner’s Notice No. 104 of 1943.

“ No. 1 Unsifted Meal ” means the grade of meal specified in sub-regulation 3 (2) (b) published in High Commissioner’s Notice No. 104 of 1943.

“ No. 2 Unsifted Meal ” means the grade of meal specified in sub-regulation 3 (2) (c) published in High Commissioner’s Notice No. 104 of 1943.

“ Compound Bread ” means compound bread as defined in sub-regulation 6 (d) of High Commissioner’s Notice No. 104 of 1943.

“ Wheaten Product ” includes any commodity of which a wheaten product is a substantial ingredient.