



# OFFICIAL GAZETTE

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# BUITENGEWONE OFFISIËLE KOERANT

van Suidwes-Afrika.  
Uitgegeef op gesag.

1/- Thursday, 19th December, 1940. WINDHOEK Donderdag, 19 Desember 1940. No. 874

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**PROCLAMATION**

BY HIS EXCELLENCY THE RIGHT HONOURABLE SIR PATRICK DUNCAN, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

No. 246, 1940 (Union).]

Under the powers vested in me by section *one bis* of the War Measures Act, 1940 (Act No. 13 of 1940), as inserted by section *one* of the War Measures (Amendment) Act, 1940 (Act No. 32 of 1940), I do hereby make the regulations set forth in the Annexure to this Proclamation.

This Proclamation shall be called War Measure No. 9, 1940.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this 6th day of December, One thousand Nine hundred and Forty.

PATRICK DUNCAN,  
Governor-General.

By Command of His Excellency the  
Governor-General-in-Council. J. C. SMUTS.

**ANNEXURE.****RESTRICTION OF TRADE WITH CERTAIN COUNTRIES.**

1. For the purposes of these Regulations "restricted country" means:—

- (a) that part of France which is not occupied by German or Italian forces;
- (b) any French Colony, Possession or Mandated Territory, (except French Equatorial Africa, French Cameroons, French Possessions in India, New Caledonia, New Hebrides and French Possessions in Oceania).

2. Any person who, without the permission in writing of the Minister of Commerce and Industries, directly or indirectly, sends any goods to a person in a restricted country, or receives or orders any goods from a person in a restricted country or carries on any business transactions with a person in a restricted country, shall be guilty of an offence, and if any person has sent or attempted to send or has received or attempted to receive goods in contravention of this regulation, the Minister may order that the goods in question shall be forfeited to the State, and he may dispose thereof as he thinks fit.

3. The Minister may delegate to any other person all or any of the Minister's powers under these regulations.

4. The Master of any vessel which departed after the 11th day of July, 1940, from a port in a restricted country shall, on the order of an officer of customs or of any officer in the Defence Force of the Union, discharge, at a place indicated by the said officer, any goods which are on board that vessel and which were laden in the said port.

5. If a vessel which departed after the 11th day of July, 1940, from a port outside any restricted country, contains any goods which were obtained from a restricted country or which were consigned to a person in a restricted country or in which any person in a restricted country has an interest, the Master of that vessel shall, on the order of such an officer as aforesaid, discharge the said goods at a place indicated by the said officer.

**PROKLAMASIE**

VAN SY EKSELLENSIE DIE HOOGDELAGBARE SIR PATRICK DUNCAN, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTKRUISRIDDER VAN DIE MEES ONDER-SKEIE ORDE VAN SINT MICHIEL EN SINT JORIS, EEN VAN SY MAJESTEIT SE ADVOKATE BÉLESE IN DIE REG, DOKTOR IN DIE REGTE, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

No. 246, 1940 (Unie).]

Kragtens die bevoegdheid my verleen by artikel *een bis* van die Wet op Oorlogsmaatreëls, 1940 (Wet No. 13 van 1940), soos ingevoeg deur artikel *een* van die Oorlogsmaatreëls-Wysigingswet, 1940 (Wet No. 32 van 1940), maak ek hierby die regulasies uiteengesit in die bylae van hierdie Proklamasie.

Hierdie Proklamasie heet Oorlogsmaatreël No. 9, 1940. van Suid-Afrika te Pretoria, op hede die 6de dag van

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie Desember Eenduisend Negehoederd en Veertig.

PATRICK DUNCAN,  
Goewerneur-generaal.

Op las van Sy Eksellensie die  
Goewerneur-generaal-in-rade. J. C. SMUTS.

**BYLAE.****BEPERKING VAN HANDEL MET SEKERE LANDE.**

1. Vir die doel van hierdie regulasies beteken „beperkte gebied” —

- (a) daardie gedeelte van Frankryk wat nie deur Duitse of Italiaanse magte beset is nie;
- (b) 'n Franse kolonie, besitting of mandaatgebied (behalwe Frans-Ekwatoriaal-Afrika, Frans-Kameroen, Franse besittings in Indië, Nu-Caledonia, Nu-Hebride, en Franse besittings in Oceania).

2. Enigeen wat sonder skriftelike toestemming van die Minister van Handel en Nywerheid, hetsy direk of indirek, goedere aan enigeen in 'n beperkte gebied stuur of goedere van iemand in 'n beperkte gebied verkry of bestel, of 'n besigheidstransaksie met iemand in 'n beperkte gebied aangaan, is skuldig aan 'n misdryf, en as enigeen in weerwil van hierdie regulasie goedere gestuur of geprobeer stuur het, of ontvang of geprobeer ontvang het, kan die Minister gelas dat die betrokke goedere aan die Staat verbeurd verklaar word en kan hy na goeddunke daarvoor beskik.

3. Die Minister kan al sy bevoegdhede of enige daarvan wat hy kragtens hierdie regulasies besit, aan iemand anders oordra.

4. Die kaptein van enige boot wat na die 11de dag van Julie 1940, van 'n hawe in 'n beperkte gebied vertrek het, moet in opdrag van 'n doeanbeampte of enige offisier van die Unieverdedigingsmag, enige goedere wat in genoemde hawe aan boord van die boot gelaai is, by 'n plek wat deur genoemde beampte aangedui is, aflaai.

5. As 'n boot wat na die 11de dag van Julie 1940 van 'n hawe buite enige beperkte gebied vertrek het, enige goedere aan boord het wat uit 'n beperkte gebied verkry is of aan iemand in 'n beperkte gebied versend is, of waarby enigeen in 'n beperkte gebied belang het, moet die kaptein van die boot in opdrag van so 'n beampte soos voormeld genoemde goedere by 'n plek aflaai wat deur vermeldde beampte aangedui is.

6. The Commissioner of Customs and Excise shall place all goods which were discharged under Regulation 4 or 5 in the custody of the Marshall of the competent Prize Court, and the Prize Court may place them at the disposal of the Government of the Union or direct that they be sold or that they be detained.

7. On the termination of the war any goods which have been detained, and the proceeds of any such goods which have been sold, shall be dealt with in such manner as the Prize Court may have directed; provided that the Prize Court may, before the termination of the war, direct, in its discretion, that any such goods be returned to their owner, or direct that the proceeds of any such goods which were sold, be paid over to their former owner —

(a) if, on the date of promulgation of these Regulations, the goods in question belonged to a person other than a person in enemy territory or enemy-controlled territory or in a restricted country; or

(b) if the Government Attorney, in his capacity as proper officer of the Crown under the Prize Court Rules mentioned in Proclamation No. 239 of 1939, consents to such return or payment.

8. The law, procedure and practice in prize shall, in so far as it is applicable, be applied in all cases arising under these Regulations.

6. Die Kommissaris van Doeane en Aksyns moet alle goedere wat kragtens regulasie 4 of 5 afgelaai is, in bewaring van die meester van die bevoegde pryshof plaas, en die pryshof mag dit tot die beskikking van die Unieregering stel op opdrag gee dat dit verkoop of aangehou word.

7. Na afloop van die oorlog moet oor enige goedere wat aangehou is en die opbrings van sodanige goedere as wat verkoop is volgens voorskrif van die pryshof beskik word, met dien verstande dat die pryshof voor die beëindiging van die oorlog na goeddunke mag bepaal dat enige sodanige goedere aan hul eienaars teruggegee of dat die opbrings van sodanige goedere wat verkoop is aan die voormalige eienaars oorbetal word —

(a) indien die betrokke goedere op die datum van die uitvaardiging van hierdie regulasies nie aan iemand in 'n vyandelike of 'n vyand-beheerde gebied of in 'n beperkte gebied behoort het nie; of

(b) indien die Regeringsprokureur in sy hoedanigheid van behoorlik gemagtigde beampte van die Kroon kragtens die pryshofreglement vermeld in Proklamasie No. 239 van 1939 tot sodanige teruggawe of oorbetaling toestem.

8. Die wet, prosedure en praktyk van die pryshof moet in soverre dit toepaslik is, in alle gevalle wat uit hierdie regulasies voortspruit, toegepas word.

## Government Notice.

## Goewermentskennisgewing.

The following Government Notice is published for general information.

D. D. FORSYTH,  
*Secretary for South West Africa,*

Administrator's Office,  
Windhoek,

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

D. D. FORSYTH,  
*Sekretaris vir Suidwes-Afrika.*

Kantoor van die Administrateur,  
Windhoek,

No. 1997 (Union).]

[13th December, 1940.

### CONTROL OF SHIPPING: SHIPS' WARRANTS.

Notice is hereby given that the Merchant Shipping Control Committee, established in terms of sub-regulation (1) of regulation 33 of the National Emergency Regulations, promulgated in Proclamation 316 of 1939, as validated by section two of the War Measures Act, 1940 (Act No. 13 of 1940), has, by virtue of the powers vested in it by sub-regulation (3) of the said regulation 33, on the direction of the Minister of Commerce and Industries prohibited, as from the date of publication of this notice in the *Gazette*, the supply of coal or oil fuel, the use of facilities for docking and repairing of vessels and the supply of ships' stores to any ship belonging to a neutral country which calls at any port in the Union of South Africa or the Mandated Territory of South West Africa, if such ship is not in possession of, or has not qualified for, a valid "Ship's Warrant", issued by or on behalf of the British Ministry of Shipping.

E. P. SMITH,  
Secretary for Commerce and Industries.

No. 1997 (Unie).]

[13 Desember 1940.

### BEHEER VAN SKEEPVAART: SKEEPSGARANSIES.

Kennis gaskied hierby dat die Komitee van Beheer van Handelskeepvaart, ingestel ooreenkomstig subregulasie (1) van regulasie 33 van die Landsnoodtoestand-regulasies, afgekondig by Proklamasie 316 van 1939, soos bekragtig deur artikel 2 van die Wet op Oorlogsmaatreëls, 1940 (Wet No. 13 van 1940), kragtens die bevoegdheid hom verleen by subregulasie (3) van genoemde regulasie 33, in opdrag van die Minister van Handel en Nywerheid, vanaf die datum van publikasie van hierdie kennisgewing in die *Staatskoerant*, die lewering van steenkool of oliebrandstof, die gebruik van fasiliteite vir die dok en herstel van skepe, asook die lewering van skeepsvorrade aan enige skip behorende tot 'n neutrale land, wat enige hawe in die Unie van Suid-Afrika of die Mandaatgebied Suidwes-Afrika aandoen, verbied het, indien sodanige skip nie in besit is van, of gekwalifiseer het vir 'n geldige skeepsgaransie uitgereik deur of namens die Britse Ministerie van Skeepvaart.

E. P. SMITH,  
Sekretaris van Handel en Nywerheid.