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# Official Gazette

of the  
**Protectorate of South-West Africa**  
 in Military Occupation of the Union Forces.

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Windhuk, 1st July 1920.

No. 33.

## PROCLAMATIONS

BY HIS HONOUR SIR EDMOND HOWARD LACAM GORGES, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, A MEMBER OF THE ROYAL VICTORIAN ORDER, ADMINISTRATOR OF THE PROTECTORATE OF SOUTH-WEST AFRICA IN MILITARY OCCUPATION OF THE UNION FORCES.

No. 20 of 1920.]

WHEREAS it is desirable to amend the provisions of the law existing in the Protectorate relating to Bills of Exchange, Cheques and Promissory Notes and to apply the provisions of the law in force in the Province of the Cape of Good Hope of the Union of South Africa.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. The law for the time being relating to Bills of Exchange, Cheques, and Promissory Notes of the Province of the Cape of Good Hope shall hereafter be the law of the Protectorate.
2. Nothing in this Proclamation contained shall affect any bill, note or cheque dated before the taking effect hereof.
3. All existing laws in the Protectorate in conflict herewith shall be and are hereby repealed.
4. This Proclamation shall be known and may be cited for all purposes as the "Bills of Exchange Proclamation 1920" and shall come into force on the first day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
 Administrator.

No. 21 of 1920.]

WHEREAS it is desirable to provide for the observance of Public Holidays within this Protectorate.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. All existing laws within the Protectorate repugnant to or inconsistent with the provisions of this Proclamation shall be and are hereby repealed.

2. The days named in the Schedule to this Proclamation shall be public holidays within the Protectorate: Provided that,
  - (a) When any of the said days falls on a Sunday the following Monday shall be observed as a public holiday; and
  - (b) when Boxing Day falls on a Monday the following Tuesday shall be observed as a public holiday.
3. The Administrator may from time to time by notice in the Gazette appoint any day not named in the Schedule to this Proclamation, but specified in that notice, to be observed as a public holiday throughout the Protectorate or any part thereof.
4. Any reference in any law in force in the Protectorate to public holidays shall be deemed to be a reference to public holidays as named by or appointed under the provisions of this Proclamation and no other days.
5. Sunday and any day named in the Schedule to, or appointed under the provisions of this proclamation as a public holiday shall be deemed to be a non-business day within the meaning of any law in force in the Protectorate relating to bills of exchange or promissory notes, anything to the contrary in any such law notwithstanding.
6. This Proclamation may be cited for all purposes as the "Public Holidays Proclamation 1920," and shall come into force and effect on the first day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
 Administrator.

## SCHEDULE

### PUBLIC HOLIDAYS.

New Year's Day.  
 Good Friday.  
 Easter Monday.  
 Ascension Day.  
 Victoria Day (24th day of May).  
 Union Day (31st day of May).  
 King's Birthday (First Monday in August).  
 The First Monday in October.  
 Dingaan's Day (16th day of December).  
 Christmas Day.  
 Boxing Day (26th day of December).

No. 22 of 1920,]

WHEREAS it is expedient to amend the laws relating to Municipalities and to make better provision for the governing thereof.

NOW THEREFORE under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

1. This Proclamation shall apply to
  - (a) every existing Municipality, and
  - (b) every Municipality hereafter established.
2. The Administrator may, from time to time, by notice in the Official Gazette,
  - (a) establish new Municipalities, in each case assigning a name and prescribing and defining the boundaries thereof,
  - (b) alter and redefine the boundaries of any Municipality,
  - (c) abolish any Municipality.
  - (d) amalgamate two or more Municipalities.
3. Every Municipality shall be governed by a council consisting of such number of councillors as the Administrator may in respect of each Municipality appoint and such councillors shall hold office for a period of twelve months from 1st April to 31st March in each year: provided that the Administrator may upon the expiration of the said period re-appoint any or all of such councillors for a further term of office as aforesaid.
4. At the first meeting of every council constituted under this Proclamation and thereafter at the first meeting of every council after 31st March in each year, the councillors present shall, by ballot, if there be more than one nomination, elect one councillor to be Mayor and if there be only one nomination then the councillor so nominated shall, subject to the approval of the Administrator, be duly declared Mayor.
5. After the election of the Mayor, the Council shall similarly elect some other councillor as Deputy Mayor, who shall, during the absence or illness of the Mayor, do all acts which the Mayor as such may do.
6. The Council shall meet at least once a month for the transaction of ordinary business on such days and at such hours as the Council shall from time to time by regulation appoint. The Mayor may, and in the event of a written request signed by at least two members, shall call a special meeting at any time.
7. One third of the Councillors shall form a quorum.
8. The Council shall from time to time appoint a Town Clerk and such other officers as may be necessary. All appointments of a permanent nature must be approved by the Administrator, and no officer holding a permanent appointment may be discharged without sanction of the Administrator. No person in the employ of any Municipality at the date of the taking effect of this Proclamation, shall be discharged from the service of such Municipality without the consent of the Administrator; provided that the Administrator may on good cause shewn and after enquiry discharge any officer in the employ of a Municipality without being moved thereto in the first instance by such Council.
9. The meetings of the Council shall be open to the ratepayers and the press; provided, however, that whenever it is deemed that any subject can be more conveniently and advantageously discussed in private it shall be competent for the Council to resolve itself into Committee, and any resolution adopted in committee shall have the same force and effect as if adopted in open Council.
10. No Councillor shall vote upon or take part in the discussion of any matter in or before the Council in which he has directly by himself, his partners, or his near relations any pecuniary interest.
11. Any Councillor who shall absent himself without leave of the Council from three consecutive ordinary meetings thereof shall *ipso facto* vacate his seat.
12. In the event of
  - (a) The Council requesting him so to do;
  - (b) The Council neglecting or refusing to elect or appoint a Mayor or any official;
  - (c) The Council electing or appointing some person to an office whose selection shall not be approved by the Administrator;
  - (d) or for any other good and sufficient reason, the Administrator may appoint the Mayor or any officer of a Council or may have a Municipality administered by a Commissioner.

The period of any office and the amount of any costs to be paid by any Council for any action taken by the Administrator under this Section shall be determined by him.
13. (1) Every Municipal Council shall be a body corporate with perpetual succession and shall, as such, be capable of suing and of being sued, of purchasing, holding and alienating land and of doing and performing such other acts and things as bodies corporate may by law do and perform as such.
- (2) Any summons, writ, notice or other process at law directed upon the Municipality may be served on the Town Clerk or left at his office.
14. Any Power of Attorney and any order, notice or other document requiring authentication shall be deemed to be duly executed when signed by the Mayor or Deputy Mayor and the Town Clerk.
15. The Council may from time to time, as it may see fit appoint occasional or standing Committees, either of a general or special nature, and may delegate to any Committee or to any member of the Council any enquiry or power to do any act.
16. The Council may appoint on such Committees persons other than members of the Council provided that
  - (a) at least one member of any such Committee, other than the Mayor, shall be a member of the Council, and
  - (b) The Mayor shall be *ex officio* a member of all Committees.
17. Every Council shall have power and authority in the following matters and things:—
  - (a) the construction and maintenance of public streets, roads, pathways, open spaces, water courses and bridges;
  - (b) the provision and supply of water;
  - (c) the lighting and cleaning of roads and public places;
  - (d) the establishment of sewerage and drainage systems and the removal of nightsoil, rubbish, refuse, manure and slop-water;
  - (e) the establishment and maintenance of public markets;
  - (f) the establishment and maintenance of fire brigades and appliances and the control of fires;
  - (g) the prevention and control of infectious and contagious diseases;
  - (h) the regulation and control of the preparation and sale of food and drink;
  - (i) the control and inspection of cow-sheds, milking places, dairies and slaughter places within and where the produce is for sale in the Municipality, outside of the Municipal boundaries;
  - (j) the abatement of nuisances;
  - (k) the control of the erection and alteration of buildings, the prevention of over-crowding, the regulation of the use of buildings and the removal of insanitary dangerous or unsuitable buildings;
  - (l) the control and regulation of charity organisations;
  - (m) the establishment and maintenance of cemeteries and the control of burials;
  - (n) the control of traffic, the inspection and licensing of vehicles, the provision and maintenance of public vehicles and the fares to be charged by vehicles plying for hire within the limits of the Municipality;
  - (o) the control and regulation of the keeping of animals, birds, and bees;

- (p) the regulation and control of all other matters relating to public health and the welfare of the community;
- (q) the regulation and control of trades and industries;
- (r) the regulation and control of public entertainments;
- (s) the protection and furtherance of the economic and general interests of the community;
- (t) the maintenance of good rule and government and the health, convenience, comfort and safety of the inhabitants;
- (u) the control and management of Municipal locations, the power to set aside certain areas for the occupation of persons other than Europeans and the right, subject to the approval of the Administrator, to charge rent or fees for the same;
- (v) the control and management of all Municipal property.

The Administrator may, by notice in the Gazette add to, amend, alter, cancel or withdraw any of the above powers.

18. A Municipality may, and if required by the Administrator shall make, alter or revoke regulations on any of the matters mentioned in section seventeen.
19. The existing Bye-laws and Regulations legally in force in any Municipality at the date of the taking effect of this Proclamation shall continue in force until amended or repealed.
20. After any resolution for passing any regulation has been agreed to the said regulation shall be posted up outside the Municipal Office for a period of not less than fourteen days and shall then be forwarded to the Administrator for his consideration, together with any objection thereto which may have been lodged.

In the event of the Administrator approving the whole or any part of any such regulation it shall be published in the Gazette and shall thereupon have the force of law.

21. Every Council shall frame yearly estimates of revenue and expenditure which shall be open to the inspection of rate-payers for a period of fourteen days before being finally considered and adopted by the Council. They shall then be forwarded to the Administrator who shall approve of the same or otherwise as he may deem fit.
22. Every Council shall keep proper books and accounts which shall be balanced twice a year and duly audited. An abstract of the accounts, signed by the Mayor and Town Clerk shall be open to the inspection of rate-payers and creditors during office hours.

The Administrator may at any time appoint some competent person to examine or audit the accounts of any Municipality and the Town Clerk shall lay before such person all books, accounts and papers which may be required by him for the purpose of such examination or audit.

The financial year of every Municipality shall end on the 31st March in each year unless the Administrator shall otherwise order.

23. No Council may borrow money either for permanent or temporary purposes except with the permission of the Administrator; in the case of loans for permanent improvements a sinking fund of not less than one per cent. of the original face value of each loan authorised and raised shall be established.
24. All immovable property within any Municipality shall be liable to be rated for Municipal purposes save and except the following:—
  - (a) Any land which is vested in the Protectorate Administration but which has not been built upon or upon which permanent works or permanent improvements have not been effected.
  - (b) Places used exclusively for public worship or public educational purposes or as cemeteries.
  - (c) All lands and buildings used exclusively for public schools, public libraries, public hospitals or mu-

seums or lunatic asylums, orphanages or similar institutions supported by the Administration or by public charity.

- (d) Any building the property of and occupied by the Administration; provided that the Administrator may in respect of any such building mentioned in this sub-section contribute to the funds of the Municipality in which the said buildings are situated a sum which shall be equal to the rates assessed on such buildings when occupied as a dwelling and to one-half of the rates assessed for any building which is used for public purposes.
25. Every Council shall in each year make and levy, subject to the Administrator's approval, either or both of the following rates:—
  - (a) a general landlord's or owner's rate upon all rateable property but not exceeding sixpence in the pound sterling;
  - (b) a rate upon the site value of all immovable property but not exceeding one shilling in the pound sterling.
26. Every rate assessed by a Council shall be notified to the Registrar of Deeds and shall become due and payable on a day to be fixed by the Council of which at least thirty days notice shall be given.
27. No transfer of any property, within a Municipal area shall be registered by the Registrar of Deeds until a certificate, signed by the Town Clerk has been filed to the effect that all rates and taxes for the current financial year as also all arrear rates and taxes have been paid.
28. In the event of the owner of any property neglecting or refusing to pay any rate the Council may sue him either in the Court of the District in which he is residing or in the Court of the District in which the property is situated and the summons may be served in the latter case on the occupier, if any, of the property in respect of which the rate is claimed; the Magistrate may give judgment against the owner or may order the tenant to pay the whole or part of his rent to the Municipality until the rates, interest and costs have been paid. A change of tenant shall not affect a Magistrate's order under this section provided that notice of such order has been served upon the incoming tenant by the Council.
 

An extract from the Valuation Roll kept by the Municipality, certified by the Mayor or Town Clerk, shall be *prima facie* evidence of the amount of any rate due.
29. (1) Where any rateable property in any Municipality is unoccupied and the rates thereon accrued shall not have been paid for a period of five years, the Council may, in the name of the Municipality take possession of such property and grant leases of the same subject to the provisions of this section; and in the case of property the assessed value of which is less than one hundred pounds, the Municipality shall, after having obtained the consent of the Administrator have the right to sell the same and to apply the proceeds in payment of arrear rates, interest and costs incurred in realising such property, and such property shall vest absolutely in the purchaser thereof, and the Registrar of Deeds shall grant transfer as if the Municipality had been the registered owner, and any transfer so effected shall be in the form set forth in the Schedule hereto: provided that before so granting transfer, a conveyancer shall have searched the Registers of Transfers in such Deeds Office and have given a certificate disclosing the name of the last registered owner and the date of the Deed by which it was granted or transferred to him as the case may be provided always that before realising such property it shall be advertised for sale in each issue of the Official Gazette for a period of six months and once every fortnight for a period of three months in some newspaper circulating in the Municipality and by notices posted in some prominent place on the property

- and outside the Municipal Office, and that notice be served on the owner, if his address is known, or, if absent, his representative within the Protectorate if known.
- (2) Every lease granted under this section shall be for such term and not exceeding five years and shall be subject to such conditions as the Council may deem fit, and shall, after public tenders have been called for by advertisement in one or more newspapers circulating in the Municipality, be for the best rent which may be reasonably had for such a property.
- (3) The Council shall not take possession of any such property for the purpose of leasing the same until three months after a notice in writing setting forth that rates in respect of such property are unpaid, and demanding payment thereof, and stating that in default of payment the Council will take possession of such property under the provisions of this section, has been served upon the owner of such property, if within this Protectorate, and whose name and address is known to the Council, or if there is no such owner within this Protectorate, or no such owner whose name and address is so known, until such notice has been affixed to some conspicuous place on such property and published in every issue of the Official Gazette for a period of three months; and every such notice shall contain a description of the property sufficient to identify the same; but every lease granted by the Council otherwise than in accordance with the provisions of this section shall be valid notwithstanding the non-compliance with the provisions of this section, unless all arrear rates and interest thereon are paid within twelve months after the Council shall have taken possession.
- (4) Within three months after demand by the owner of any property taken possession of but not sold by any Council as aforesaid, made within thirty years after the date of taking possession, and after payment of all arrears of rates due in respect thereof and interest upon such arrears at the rate of six per centum per annum, such owner shall be entitled to resume possession of such land, subject to the terms of any lease theretofore lawfully granted by such Council under the provisions of this section.
30. In addition to the rates mentioned in section 25 the Council may, subject to the consent of the Administrator levy any or all of the following rates and taxes or fees:—
- a water rate,
  - a sanitary rate,
  - a vehicle tax,
  - trading licences.
- In lieu of water and sanitary rates, the Council may charge for the amount of water supplied or for the sanitary services actually performed at a tariff rate.
- The Council may also charge fees for any other services rendered and for the grazing of stock on the Town Lands.
31. Every amount which is due and payable to a Council in respect of sanitary services or rubbish or other removals or for the supply of water or light shall, in default of payment by the occupier, be a charge upon the property in respect of which the rate was levied or the service performed or supply given and shall be recoverable against the owner of the property at the time such rate was levied or service performed or supply given.
32. Every rate, licence or tax which shall be due and payable under this Proclamation shall, unless otherwise provided or unless the Council shall by resolution otherwise decide, be due and payable on the 1st April in each and every year; but every person who shall pay any such rate, licence or tax within thirty days of the day on which it shall be due and payable shall be entitled to a reduction of ten per cent; interest at the rate of six per cent per annum may be charged as from the date on which they fall due to the date of payment, on all rates, licences and taxes which shall not have been paid within sixty days of the date on which they fell due.
33. The Administrator may make, amend, alter or revoke regulations from time to time with regard to the collection of rates, licences, taxes and other revenue by Municipal Councils and for defining the duties of and measures to be taken by Councils in regard thereto.
- X 34. There shall be a valuation of immovable property in every Municipality every five years and the Administrator may direct that an interim valuation shall be made on any property
- which has been omitted from the Valuation Roll or
  - on which buildings have been erected or improved or wholly or partially destroyed or demolished since the last valuation.
- The Registrar of Deeds shall furnish gratis any information necessary for arriving at a correct valuation.
- In the case of existing Municipalities, the first valuation shall be made immediately on the promulgation of this Proclamation; in the case of any Municipality which may hereafter be established the Administrator shall give such directions as he may deem fit as to the date on which the first or any succeeding valuation shall be made.
- X 35. The Administrator may make, amend and revoke such regulations as he thinks necessary or expedient for carrying into effect the provisions of section thirty-four.
36. A member of the police force who is duly authorised thereto in writing by the Town Clerk or an Officer of the Council may enter upon any premises situate within the Municipality at all reasonable hours in order to make any inspection, perform any work or do anything required by this Proclamation or by any regulation or order thereunder.
37. Any person who shall refuse entrance to or obstruct or threaten or use violent or abusive language to any person while in the execution of his duty under this Proclamation or any regulations or order thereunder shall be guilty of an offence.
38. (1) The control of all streets, roads, thoroughfares, sanitary passages, squares, open spaces and of all land (other than erven) within the Municipality to which the owners in the Townships have or acquire a common right, shall vest in the Council of the Municipality for the time being or if no Municipality has been established, in the Administration pending such establishment.
- (2) Where prior to the taking effect of this Proclamation the dominium in or rights to any property was vested in the inhabitants of any township as such, or their representative, such dominium or such right shall as from the commencement hereof pass to the Municipal Council incorporated hereby, save in respect of land or buildings (inclusive of school hostels and boarding houses) owned by any Municipality existing prior to the taking effect hereof and used for educational purposes.
- The ownership of such land or buildings shall at the date of the taking effect of this Proclamation vest absolutely in the Administration together with all rights and liabilities attaching thereto and the Registrar of Deeds shall grant transfer thereof to the Administration.
39. No property vested in a Municipal Council may be leased for a longer period than three months or transferred, mortgaged or otherwise encumbered without the sanction of the Administrator.
40. A Council may, subject to the approval of the Administrator, expropriate in accordance with any law for the time being in force relating thereto any land or other immovable property or rights or servitudes, which may be required in the public interests and in the event of any disagreement about the purchase price or other terms of acquisition the matter shall be submitted to arbitration.

41. (1) When authority to make regulations is granted under this Proclamation such authority shall include power to impose penalties for the contravention thereof also further penalties for a second or subsequent contravention and in the case of a continuing contravention a further penalty consisting of a fine not exceeding forty shillings for each day during which such contravention continues.
- (2) Every person contravening any of the provisions of this Proclamation or of any Regulations issued or orders made thereunder for which contravention no special penalty is laid down by this Proclamation or regulation or order (as the case may be) shall on conviction be liable for each such contravention to a fine not exceeding twenty pounds sterling and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and in the case of a continuing contravention to a further penalty of a fine not exceeding forty shillings for each day the contravention continues.
42. It shall be lawful for the Administrator from time to time to make, alter or revoke regulations having the force of law in any or all Municipalities, in order to secure the better carrying out of this Proclamation and generally in furtherance of the objects thereof.
43. (1) All rights accrued to or liabilities incurred by or in respect of any existing Municipality shall continue to exist as against or in favour of a Municipality constituted under the provisions of this Proclamation for the same area.
- (2) All taxes and other moneys due or payable to any Municipality shall continue to be recoverable.
- (3) All property movable or immovable and all moneys of or vested in any Municipality existing prior to the taking effect of this Proclamation, shall continue to be vested in and belong to the Municipality, constituted under the provisions of this Proclamation.
- (4) All works and undertakings authorised to be executed shall continue to be carried on and all rights, liabilities and engagements shall continue to be vested in and attached to any Municipality as if this Proclamation had not been issued, provided that
- (a) No action or suit at law for damages or for specific performance in respect of any act of commission or omission for anything done or omitted to be done prior to the taking effect hereof, shall lie against any Municipality, unless the written sanction of the Administrator shall first have been obtained;
- (b) All existing contracts between the Protectorate Administration either as the successors in office of the late German Colonial Government or otherwise on the one part and Municipalities existing at the date on which this Proclamation shall come into force on the other part shall remain in full force;
- (c) All lands and buildings which were acquired or erected for educational purposes and vested in or under the control of any Municipality shall be transferred to and vested in the Protectorate Administration as and from the 1st July, 1920, and all liabilities in respect of mortgage bonds or loans attaching to any Municipality in connection with the acquisition or erection of any such land or building shall be transferred to and attached to the Protectorate Administration as and from the said date.
44. The following laws shall be and are hereby repealed:
- (a) the Ordinance of the Imperial Chancellor, dated the 28th day of January 1909 relating to self-government in German South-West Africa as amended on the fourteenth day of May 1909, the sixteenth day of March 1910, and the twenty-eighth day of March, 1912 in so far as it relates to Municipalities.
- (b) Proclamation No. 8 of 1918.

- (c) and any other Ordinance, Proclamation or Martial Law Regulation which is inconsistent with or repugnant to the provisions of this Proclamation.
45. This Proclamation may be cited for all purposes as the "Municipal Proclamation 1920" and shall come into force on the First day of July 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

SCHEDULE.

DEED OF TRANSFER.

In accordance with the provisions of section 29 of the "Municipal Proclamation, 1920" I, \_\_\_\_\_ Registrar of Deeds, do hereby cede and transfer in full and free property to and on behalf of \_\_\_\_\_ its administrators or assigns certain (here describe the property, and describe or refer to the conditions to which the same may be subject), and declare that by virtue of these presents the said \_\_\_\_\_ its administrators or assigns now is and henceforth shall be entitled thereto, conformably to local custom, the Protectorate Administration, however, reserving its rights.

In witness whereof I, the Registrar, have subscribed to these presents and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the Registrar of Deeds, in \_\_\_\_\_ on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year of Our Lord One Thousand Nine Hundred and \_\_\_\_\_.

"A.B.," Registrar of Deeds.

No. 23 of 1920.]

WHEREAS by section 1 of the Administration of Justice Proclamation 1919 the Roman Dutch Law as existing and applied in the province of the Cape of Good Hope on the first day of January, 1920 is now the common law of the Protectorate.

AND WHEREAS it is desirable to make provision for the execution of wills and other testamentary writings in the Protectorate,

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

- No will or other testamentary instrument not being a privileged will or notarial will made or executed upon or after the first day of July, 1920, shall be valid unless it shall be executed in the manner hereinafter mentioned that is to say; it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction and such signature shall be made or acknowledged by the testator in the presence of two or more competent witnesses present at the same time and such witnesses shall attest and subscribe the will or other testamentary instrument in the presence of the person executing the same; and where the instrument shall be written upon more sheets than one the person executing the same and also the witnesses shall sign their names upon every sheet upon which the instrument shall be written; provided always that nothing herein contained shall be deemed to prevent a mark being a sufficient signature.
- Every will or other testamentary instrument attested at any time heretofore or hereafter by a person whether male or female above the age of fourteen years who is competent to give evidence in any court of law in this Protectorate shall in respect of the qualification of such person to attest be deemed to have been validly attested and every such person shall be deemed to be qualified to attest the execution of a will or other testamentary instrument.
- If any person shall attest the execution of any will or other testamentary instrument to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift or appointment of or affecting

any property (other than and except charges and direction for the payment of any debt or debts) shall be thereby given or made such devise, legacy, estate, interest gift or appointment shall so far only as concerns such person attesting the execution of such will or other testamentary instrument or the wife or husband of such person or any person claiming under such person or wife or husband be null and void.

4. If any person shall attest the execution of any will or other testamentary instrument and such person or the wife or husband of such person shall in and by such will or other testamentary instrument be nominated or appointed executor administrator or guardian thereunder the appointment of such person or the wife or husband of such person as such executor, administrator or guardian shall be null and void.
5. No notarial will whether made before or after the taking effect of this Proclamation shall be deemed or be taken to be invalid, null or void by reason that the same was not read over by the notary before whom such will was passed or by any other person to the testator in the presence of the subscribing witnesses to such will.
6. Nothing in this Proclamation contained shall be deemed or taken to extend to or affect any codicil made by virtue or in pursuance of any power reserved in that behalf in any will or other testamentary writing.
7. So much of any law now in force in the Protectorate as may be repugnant to or inconsistent with the provisions of this Proclamation shall be and is hereby repealed.
8. This Proclamation may be cited for all purposes as the "Wills Proclamation, 1920".

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

No. 24 of 1920.]

WHEREAS it is expedient to introduce a law dealing with the payment of duty upon the estates of deceased persons.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

PRELIMINARY.

1. All laws in force in the Protectorate repugnant to and inconsistent with this Proclamation shall be and are hereby repealed.
2. In this Proclamation and in any regulations made thereunder, unless inconsistent with the context "company" shall mean any company incorporated or registered under the law for the time being of this Protectorate relating to the incorporation or registration of companies, and shall include also a company which, though not so incorporated or registered, carries on business in this Protectorate;
- "debenture" shall include debenture stock;
- "duty" shall mean the duty payable under and in accordance with this Proclamation;
- "executor" shall mean a person to whom letters of administration have been granted by the Master, for or in respect of the estate of a deceased person, under the law for the time being relating to the administration of estates of deceased persons, and shall include a person acting or authorized to act under letters of administration granted in a foreign country but signed and sealed by the Master under the law aforesaid;
- "liquidation account" shall mean the account rendered, under the law for the time being relating to the administration of estates of deceased persons, by an executor to the Master of the administration and distribution of the estate of which he is executor;

- "Master" shall mean the Master of the High Court or any person lawfully acting in that capacity;
- "prescribed" shall mean prescribed by the Secretary for the Protectorate or by regulation under this Proclamation;
- "share" shall mean a share in the share capital of a company, and shall include the stock into which any portion of the share capital has been divided;
- "Secretary" shall mean the Secretary for the Protectorate or any person for the time being lawfully acting in that capacity.

CHAPTER 1.

GENERAL PROVISIONS AS TO ESTATE DUTY.

3. (1) Whenever any person having estate as defined in the next succeeding section hereof shall die on or after the first day of July, 1920, within or outside the Protectorate, there shall be payable to the Secretary upon the net value of that person's estate, duty in accordance with the scale set forth in the schedule to this Proclamation save as is otherwise provided in Chapter II of the Proclamation.
- (2) The duty shall be paid by the executor of that person, save as is otherwise provided in section eight or in Chapter II of this Proclamation.
- (3) Duty shall also be payable in respect of any property or interest in property which was held by any such person, at the time of his death, upon a condition that it would, when that death occurred pass to some other person.
4. For the purposes of this Proclamation the estate of such deceased person shall include
  - (a) all property in this Protectorate of whatsoever description belonging to that person, whether movable or immovable, and any interest in such property, whether expectant or contingent, held by him at his death;
  - (b) any such property given by or passing from the deceased person as a *donatio mortis causa*;
  - (c) any such property passing under any disposition made by the deceased person and purporting to operate as a *donatio inter vivos*, unless the disposition was made at least one year before his death;
  - (d) any such property passing under any disposition or by reason of any act of the deceased person which was intended to operate at or after his death, or has the effect of so operating;
  - (e) any such property which, by any act or disposition of the deceased person, was so transferred, vested, or arranged that his ownership or beneficial interest therein or in any part thereof passed or accrued by survivorship upon his death;
  - (f) any such property which has passed to any one within one year prior to the death of the deceased person for the purpose of dividing the same, after the death of the deceased person, amongst his heirs or any of them;
  - (g) any limited interest in such property, whether or not such interest was or is to be determined by the death;
 but the estate of a deceased person shall not, for the purposes of this Proclamation, include the interest of the survivor of two spouses who were married in community of property.
5. The net value of the estate of a deceased person shall be ascertained by deducting
  - (a) the debts and liabilities of the deceased person incurred *bona fide* and included in the liquidation account, except a liability for any property described in paragraph (h) and (c) of section four;
  - (b) the funeral expenses arising out of the death;
  - (c) all costs and expenses of and incidental to the administration of the estate.
6. (1) Every liquidation account shall provide for the payment of duty on the estate in respect of which the account purports to have been framed.
- (2) An executor shall, upon lodging a liquidation account with the Master, pay the duty in respect thereof, and the Master shall not file a liquida-

tion account in his office until he is satisfied that the duty is paid.

- (3) Duty shall be assessable by reference to the liquidation account and shall be levied at the rate set forth in the schedule to this Proclamation upon the net value of all the assets included in that and in any preceding account, an allowance being made for any duty previously paid.
7. Before delivering or transferring any property of the deceased to any heir or legatee the executor shall deduct therefrom, or recover from such heir or legatee the duty payable in respect thereof.
8. Duty in respect of such property as is described in sub-section (3) of section three shall be paid within twelve months after the death of the deceased to the Secretary by the person to whom the property passes on the death, and the duty shall be payable out of that property, which may be declared executable by any court of competent jurisdiction.
9. (1) As soon as any liquidation account has been lodged with the Master in accordance with the law for the time being relating to the administration of the estates of deceased persons, he shall transmit a copy of that account to the Secretary. For the purposes of this section it shall be the duty of the executor to lodge with the Master at least two copies of the liquidation account, anything to the contrary in such law notwithstanding.
- (2) The Secretary shall cause every liquidation account transmitted to him to be examined and, if he has no objection to raise as to the valuation of the property included therein, that valuation shall be accepted for the purpose of assessing duty upon that property.
- (3) If the Secretary has any objection, he shall notify the same to the Master who shall require the executor to amend the valuation to meet the Secretary's objections. A valuation amended by the executor to meet the Secretary's objections shall be accepted for the purpose of assessing duty upon the property, but if an executor fail, within a time prescribed, to amend the valuation to the satisfaction of the Secretary, the Secretary shall assess the amount of duty payable, subject to the rights given to the executor under section sixteen.
- (4) Anything to the contrary in this section contained notwithstanding
  - (a) the price actually realised for property *bona fide* sold in the course of the administration of the estate shall be deemed to be its value;
  - (b) the value of shares, debentures, and any property for which there are market prices or prevailing rates of value, shall be in accordance with those prices or rates if the same are ascertainable by or to the satisfaction of the Secretary;
  - (c) where a limited interest in any property passes, the value of that interest only shall be reckoned;
  - (d) if a policy of insurance on the life of a deceased person has been ceded by the deceased to or in favour of his wife or child or children, the value of that policy shall be its surrender value immediately prior to the death of the deceased.

CHAPTER II.

SPECIAL PROVISIONS RELATING TO DUTY UPON SHARES AND DEBENTURES.

10. (1) Shares and debentures in a company shall, for the purposes of this Proclamation, be deemed to be property in this Protectorate, notwithstanding that the deceased holder of those shares or debentures was resident or domiciled outside the Protectorate at the date of his death.
- (2) Every company shall, as soon as there shall come to its knowledge the death of any holder of its shares or debentures who died outside this Protectorate, transmit to the Secretary a written statement showing the shares or debentures in that company held by the deceased at the date of his death, and the true value thereof, and that company shall within twelve months after the

death of the deceased pay duty on those shares or debentures at the rate provided by this chapter.

- (3) Whenever the company shall satisfy the Secretary, by production of an affidavit or solemn declaration of the deceased's legal representative or otherwise, that the whole estate of the deceased (including the shares or debentures aforesaid) in this Protectorate did not at his death exceed in the aggregate ten thousand pounds sterling, the duty payable upon those shares or debentures shall be two per cent. of the value thereof. If, after payment of duty on such shares or debentures, the executor of any foreign estate shall lodge with the Secretary satisfactory evidence that the net value of the estate in this Protectorate was of a less value than one thousand pounds, the Secretary shall refund the duty upon the value of any shares or debentures which may have been so paid.
- (4) Whenever a company cannot so satisfy the Secretary or if the value of the whole of the estate of the deceased in this Protectorate exceeds ten thousand pounds at the time of his death duty shall be paid by the company, at the rate applicable to the value of the deceased's estate in this Protectorate, in accordance with the Schedule to this Proclamation.
 

In order that the amount of duty may be assessed, the legal representative of the deceased may render to the Secretary an account, verified by oath, of the whole of the deceased's estate in this Protectorate. If no such account be rendered, or an account with which the Secretary is not satisfied be rendered, he shall assess the amount of duty payable and duty shall be paid on the amount assessed by him, subject to the rights given under section sixteen. In such an account no debts or obligations of the deceased shall be deducted except those which are due from his estate in this Protectorate.
- (5) Until payment is made by the company of the duty or satisfactory security has been lodged with the Secretary for payment thereof, the company shall not permit the transfer in its registers, whether those registers be kept within or outside this Protectorate, of any shares or debentures registered in the name of a deceased person at the date of his death, except in the case of shares or debentures in respect of which the Secretary has certified his satisfaction that, though still registered in the name of the deceased at that date, they have been *bona fide* sold or disposed of by him.
- (6) Nothing in this section contained shall be deemed to impose any obligation on a company in respect of share warrants or debenture warrants issued to bearer.
11. (1) If any company whose registered office is outside this Protectorate satisfies the Secretary that the larger proportion of its business is transacted or carried on outside this Protectorate and produces satisfactory evidence to him as to the proportion of its business which is transacted or carried on in this Protectorate, the Secretary may from time to time fix a percentage representing, for a period named by him, the proportion of the business carried on or transacted by that company in this Protectorate. During that period the total amount of duty payable on shares and debentures in that company shall be reduced *pro rata* to correspond with the proportion of the company's business which is carried on in the Protectorate.
- (2) If the Secretary is satisfied that an inappreciable proportion of the company's business, or only a branch thereof is, or merely matters incidental thereto are carried on in this Protectorate, he may, by certificate under his hand, exempt the company for such time as he may think fit from the obligations of this Chapter; but nothing in this sub-section contained shall be construed as exempting any other person liable for duty from

- the liability to pay the same or interest or penalties due in respect thereof.
12. (1) Every company which has paid duty under this Chapter shall have the right to recover the amount thereof from the estate which would otherwise have been liable for payment of the duty, and with interest at the rate of six per cent. per annum if the amount of duty paid by the company be not repaid within one month after its payment by the company.
- (2) That amount and interest may be recovered
- (a) by action in any competent court; or
- (b) by way of set off against any monies due to the estate liable for the duty, whether as dividends or bonus upon shares, or interest upon debentures, or otherwise;
- and every such company shall have a lien for the said amount and interest upon the shares or debentures in respect of which the duty was paid.
- (3) Any receipt or certificate given by the Secretary for duty paid by a company in respect of its shares or debentures shall be conclusive evidence in all courts and places of the payment by the company of the amount mentioned in that certificate or receipt.
- (4) If any company make default in paying to the Secretary any duty which, under this Chapter, it is liable to pay, it shall be liable to pay interest on the amount unpaid at the rate of twelve per cent. per annum together with any costs which the Secretary may have incurred in recovering that amount from any other person.
13. (1) Every company shall, within three months after the coming into operation of this Proclamation, transmit to the Secretary a return showing the names and addresses of the persons who according to its registers, were, on the thirtieth day of June, 1920 shareholders or debenture holders of the company.
- (2) Every company shall, before the thirty-first day of July, 1921, and before that day in every year thereafter, transmit to the Secretary a return showing the names and addresses of persons who, according to its registers, have, by reason of death, ceased to be shareholders or debenture holders of the company since the date when the last return was transmitted under this section.
14. In the event of any default by a company in complying with any requirement of this Chapter every director, manager or other authorized representative of the company in this Protectorate shall be liable to a penalty of one pound for every day during which the default continues, without prejudice to any right of the Secretary to recover any amount from the company under any other section.
- CHAPTER III.**  
**MISCELLANEOUS.**
15. (1) The Administrator may from time to time make, alter, or rescind regulations for the better carrying out of the objects and purposes of this Proclamation and in particular for the valuation of usufructuary or other limited interests in property.
- (2) All such regulations and any alteration or rescission thereof shall be of force and effect on publication in the Gazette.
16. (1) Any person aggrieved by any decision or requirement of the Secretary or Master under this Proclamation may demand by written notice to the Secretary that the matter be submitted to and decided by arbitrators, who shall be impartial and disinterested parties appointed by agreement between the person aggrieved and the Secretary. Such arbitrators may decide all questions of fact necessary for determining the proper amount of duty (if any) payable.
- (2) The reasonable expenses of such arbitration shall, if the amount on which the duty is payable, as decided by the arbitrators, exceeds by one-third the valuation made by the executor, be paid by him and shall be added to and be recoverable as part of the duty, but otherwise such expenses shall be borne and paid by the Secretary. Provided that by consent of parties one arbitrator may be appointed otherwise the number of arbitrators shall be three, one of whom shall be appointed by each party and the third shall be appointed by agreement between the two arbitrators so appointed.
17. (1) All duty, interest, penalties and any sum due to the Secretary under this Proclamation shall be a debt due to the Administration of the Protectorate and may be recovered by action in any competent court, notwithstanding that any other method of recovery is provided by this Proclamation.
- (2) Any such action shall be taken in the name of the Secretary and may be taken against any person liable notwithstanding that the obligation to pay the amount of duty is imposed on any other person by this Proclamation.
18. (1) Any person who makes or causes to be made, or aids or abets in making, or incites any person to make, any fraudulent or false statement or representation, with intent that payment of duty or portion of duty be evaded by himself or any other person, shall be liable on conviction to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years, or to both such fine and imprisonment.
- (2) Any person who
- (a) makes default in rendering within the time prescribed any account or statement which such person is required to render;
- (b) makes default in complying, within the time prescribed, with any requirement of this Proclamation for which no specific penalty is provided;
- shall be liable on conviction to a fine not exceeding ten pounds.
19. (1) Books, pictures, manuscripts, objects of curiosity, art or antiquity, or similar objects bequeathed or donated to any public museum or institution in this Protectorate for preservation and not for sale or disposal, and property bequeathed or donated to any educational or public institution in this Protectorate, or exclusively for uses deemed by the Secretary to be public, charitable, or religious uses in this Protectorate, shall be exempt from duty, provided that the objects bequeathed or donated and the terms of the bequest or donation be specifically stated.
- (2) Duty shall not be chargeable in respect of any estate if the deceased has, within five years immediately prior to his death, donated, or has, by his will, bequeathed, not less than twenty-five per cent. of the net value of his estate at the time of his death exclusively for uses deemed by the Secretary, after the deceased's death, to be public uses in this Protectorate.
- (3) Duty shall not be chargeable in respect of any pension granted under any law to the widow or child of any person.
20. Whenever duty is assessed upon property mentioned in paragraphs (c) and (f) of Section four and in the circumstances described in those paragraphs transfer duty was, in accordance with law, paid, the amount of that duty shall be deducted from the duty payable under this Proclamation in respect of that property.
21. This Proclamation shall be known and may be cited for all purposes as the "Estate Duty Proclamation".

1920" and shall come into operation as from the First day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

SCHEDULE.

Where the net value of the Estate.	Duty shall be at the rate mentioned.
Does not exceed £1,000	Exempt.
Exceeds £1,000 but does not exceed £2,000	One per cent.
Exceeds £2,000 but does not exceed £3,000	One and a quarter per cent.
Exceeds £3,000 but does not exceed £5,000	Two per cent.
Exceeds £5,000 but does not exceed £10,000	Three per cent.
Exceeds £10,000 but does not exceed £20,000	Four per cent.
Exceeds £20,000 but does not exceed £40,000	Five per cent.
Exceeds £40,000 but does not exceed £70,000	Six per cent.
Exceeds £70,000 but does not exceed £100,000	Seven per cent.
Exceeds £100,000 but does not exceed £150,000	Eight per cent.
Exceeds £150,000 but does not exceed £250,000	Nine per cent.
Exceeds £250,000	Ten per cent.

No. 25 of 1920.]

WHEREAS it is expedient to suppress trespass, idleness and vagrancy.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. Any person found wandering abroad and having no visible lawful means, or insufficient lawful means of support, who, being thereunto required by any magistrate, police officer, police constable, superintendent of native locations, or owner or occupier of land, or who having been duly summoned for such purpose, or brought before a magistrate in pursuance of this Proclamation shall not give a good and satisfactory account of himself, shall be deemed and taken to be an idle and disorderly person, and on conviction thereof before any Magistrate's Court shall be liable to be imprisoned, with or without hard labour, and with or without spare diet, and with or without solitary confinement or either of them, for any period not exceeding three months.
2. Every person who shall wilfully or knowingly harbour, or suffer or permit to reside on land or premises owned or occupied by him, any idle and disorderly person as aforesaid, shall, on conviction before a Magistrate's Court be liable, in case of conviction to a penalty of not exceeding five pounds for every such offence, and in default of payment of such penalty, to be imprisoned, with or without hard labour, for any period not exceeding two months, unless such fine be sooner paid.
3. (1) Every person found without the permission of the owner (the proof of which permission shall lie on such person) wandering over any farm, in or loitering near any dwelling-house, shop, store, stable, outhouse, garden, vineyard, kraal, or other enclosed place, shall be deemed and taken to be an idle and disorderly person; and, upon conviction thereof before a Magistrate's Court be liable in the case of the first conviction to a fine not exceeding two pounds, with the alternative of imprisonment with or without hard labour for a period not exceeding one month, unless such fine

be sooner paid; or to be imprisoned, with or without hard labour, and with or without spare diet, and with or without solitary confinement, or any of them, for any period not exceeding three months and in the case of any subsequent conviction for the same offence to a fine not exceeding five pounds, with the alternative of imprisonment with or without hard labour for a period not exceeding three months unless such fine be sooner paid; or to be imprisoned, with or without hard labour and with or without spare diet and with or without solitary confinement, or any of them, for any period not exceeding six months. No servant or apprentice of any owner of any land, and no squatter upon the land of any owner shall for the purposes of this sub-section be deemed to be qualified merely by the possession or occupation of any hut, house or building on such land to give permission for and on behalf of such owner.

- (2) Every person shall be deemed to be an idle and disorderly person within the meaning of and for all the purposes of this Proclamation, and shall upon conviction be liable to the penalties provided by sub-section 1 of this section, who shall be found without the permission of the owner of any farm (the proof of which permission shall be on such person)
  - (a) loitering upon any road crossing such farm, or
  - (b) in or loitering at or near any hut, house or other building upon any farm, whether such hut, house or other building shall or shall not be in the possession or occupation of any servant or apprentice of the owner of such farm, or in the possession or occupation of any squatter.
4. Any person trespassing upon or found within any enclosed camp, kraal or land without the permission of the owner or lessee thereof shall be deemed to be guilty of an offence and shall upon conviction be liable to the penalties provided by the third section of this Proclamation. Provided that no person shall be deemed to be guilty of a breach of the provisions of this section who passes through any enclosed camp, kraal or land along any public road traversing such camp, kraal or land or uses any right of way to which he may be entitled there through. Provided further that nothing in this section shall be taken to exempt any person from prosecution thereunder who leaves such road and trespasses upon land within such camp, kraal or enclosed place not constituting such road, unless such person or persons is driving stock, in which case he shall not be criminally prosecuted so long as he remains within one hundred yards on either side of the road which traverses such camp or land, or within ten yards on either side of the road which traverses such cultivated land.
5. No person shall visit the servants or employees of any owner or occupier of land without his permission if such owner or occupier have notified his said servants or employees to that effect beforehand, and any person found within any hut or place where such servants reside on such farm or land without permission of the owner or lessee after fourteen days shall have elapsed subsequent to the notification by him to his servants, shall be deemed to be guilty of an offence and shall be liable on conviction to the penalties provided by the third section of this Proclamation.
6. It shall be lawful for the Administrator from time to time by Notice in the Gazette to apply the provisions of sections 4 and 5 of this Proclamation or either of them, to lands, or any portion thereof vested in the Administration for railway purposes, and to prescribe the person by whom, and the mode in which notices shall be given and permits shall be applied for and granted.
7. No prosecution for any offence under the provisions of sections four, five and six of this Proclamation shall take place if the owner or lessee or occupier aforesaid desires a withdrawal of the charges.

8. (1) Every person hereinbefore declared to be idle and disorderly as aforesaid may be apprehended with or without warrant by any magistrate, police officer, or police constable, or by the owner or occupier of the land or premises on which such idle or disorderly person may be, or by anybody acting under the orders of such magistrate, owner or occupier, and upon apprehension, may be conveyed before the magistrate of the district in which he was apprehended, or the nearest magistrate to be dealt with according to law; provided that no such person shall be apprehended without warrant upon the land or premises of any private person, without the consent of such private person, except by such private person or somebody acting by his orders; or by some magistrate or by somebody acting under the orders of such magistrate.
- (2) Every owner of a farm shall be and is hereby authorised for the purpose of searching for any idle and disorderly person, to enter without warrant and make search in any hut, house or other building upon such farm, which shall be in possession or occupation of any servant or apprentice of such owner, or in the possession or occupation of any squatter, and any idle and disorderly person found by such owner in any hut, house or other building, may be apprehended without warrant and dealt with in manner provided in sub-section 1 of this section.
9. In case it shall be made to appear to the satisfaction of the magistrate of the district by information in writing upon oath that there is reason to believe that any idle and disorderly person as aforesaid is upon the land or premises of any private person, such magistrate shall grant a general warrant authorising some person or persons named therein for the purpose to enter upon the land or premises of such private person, in order to ascertain whether any idle and disorderly person as aforesaid is upon such land or premises; and in case any idle and disorderly person as aforesaid shall, upon the execution of such warrant, be found upon such land or premises, he may be forthwith apprehended by the person or persons so named in the said warrant as aforesaid, and conveyed before the magistrate in the district in which he was apprehended, or the nearest magistrate to be dealt with according to law.
10. It shall be lawful for any magistrate, police officer, police constable, superintendent of native locations, or the owner or occupier of the land or premises whereon or wherein any person as hereafter mentioned may be, to stop any person whom he shall find driving live stock, and to interrogate such person; and if he shall not account satisfactorily for the possession of the live stock so being driven by him, or if there shall be reasonable grounds for suspecting that such live stock have been criminally procured, then it shall be further lawful for such magistrate, police officer, police constable, superintendent of native locations, or owner or occupier, to conduct or cause to be conducted the said live stock and the person so driving the same, to the nearest public prison or police station, so that such persons so driving the said live stock may be detained in custody until the then next sitting of the magistrate of the district in which such prison or police station is situated, who shall enquire into the circumstances, and make such determination in conformity with law as shall to him seem fit and proper.
11. Every one who shall assault or resist any person authorised as aforesaid to make an arrest, or to enter upon any land or premises while in the execution of such authority, or who shall aid or incite any person so to assault or resist shall, for every such offence be liable, upon conviction before any Magistrate's Court, to a penalty not exceeding ten pounds, and in default of payment thereof to imprisonment with or without hard labour, for a period not exceeding three months, unless such penalty is sooner paid, or to such imprisonment, without the option of paying a penalty.
12. All squatters trespassing upon waste crown land, or upon land occupied by any missionary institution, or upon land set apart as a native location may be summarily directed to remove therefrom by order in writing, signed by the magistrate of the district in which such land is situated, such trespassers having been first summoned before the Magistrate's Court to show cause why they should not remove from such land and no sufficient cause to the contrary having been proved to the satisfaction of such Court; Provided that no person shall be deemed to be a trespasser within the meaning of this section unless he shall originally have entered upon, and shall be upon, such land, without lawful authority; and any person ordered to remove as aforesaid, who shall disobey such order, shall be liable to be dealt with as an idle and disorderly person as aforesaid, and shall be subject to the penalties provided by the first section of this Proclamation.
13. Every person found wandering or being in any street or road ordinarily used by the public, or in any place of public resort, or in view thereof respectively, without sufficient clothing for the purpose of decency, shall be deemed and taken to be a disorderly person, and to be guilty of an offence against the true intent and meaning of this Proclamation, and may be arrested without warrant and conveyed before the nearest magistrate to be dealt with according to law, and upon conviction, as in the first section of this Proclamation is provided, shall be liable to the penalties imposed by that section.
14. It shall be the duty of any magistrate before whom any person is convicted for a first offence under the first and third sections of this Proclamation to adjudge such person in lieu of the penalties therein prescribed, to a term of service on the public works of the Protectorate or to employment under any municipality or private person, other than the said magistrate by whom such person shall have been convicted, or the person at whose instance such prosecution shall have taken place, who may be willing to employ such person, for any term not exceeding that for which he is liable to imprisonment under this Proclamation in that behalf provided, and at such rate of wages as shall in the judgment of the magistrate be fair and reasonable; provided that it shall be lawful for the Court before whom such person is convicted to detain him in custody for a period not exceeding fourteen days in order that the provisions of this section may be complied with; provided further that if no such service or employment can be obtained the person so convicted shall be sentenced to the penalties prescribed in the aforesaid first and third sections of this Proclamation the sentence in such case to take effect from the date of conviction; provided also always that if any person so adjudged to service as aforesaid shall escape, or attempt to escape or otherwise be guilty of any offence under the laws in force relating to Masters and Servants he shall be liable to imprisonment with or without hard labour, for a period not exceeding six months.
15. Any person who shall, under colour of this Proclamation, wrongfully and maliciously, or without probable cause, arrest, or cause to be arrested, any person shall be liable to pay a fine not exceeding five pounds sterling, and to pay to the arrested person such amount, not exceeding the sum of five pounds sterling, as and for damages, as the magistrate before whom such arrested person is brought for trial shall award, and in default of payment of the fine shall be liable to be imprisoned, with or without hard labour for a period not exceeding three months, unless such fine shall be sooner paid. Provided that nothing in this section contained shall have the effect of depriving any aggrieved person of the right to elect to take any other remedy given him by law in lieu of the remedy by this section given.
16. In this Proclamation the following terms shall bear the following meanings:—  
 "Farm" means any land not situated within the local limits of any municipality or in any area within

which part 1 of the "Police Offences Proclamation, 1920," is or hereafter may be in force.

"Squatter" means any person who, not being a servant or apprentice of the owner of any farm, and not being himself the owner or lawful occupier of such farm, is notwithstanding permitted by such owner or lawful occupier to possess or occupy any hut, house or other building in and upon such farm.

"Owner" includes

- (a) The registered owner or person entitled to the beneficial ownership of any land;
- (b) The lessee of any Crown land or private land;
- (c) The lawful occupier of any land;
- (d) Any person placed in lawful possession or occupation of any land as the duly authorised, representative, agent or manager, for and on behalf of the registered owner or person entitled to the beneficial ownership of such land, or for and on behalf of any lessee thereof; but does not include in respect of the hut, house or other building possessed or occupied by him, any person who, either as a servant or apprentice of the owner or occupier of any land, or as a squatter, is in possession or occupation of any hut, house, or building upon such land.

17. Sub-section 3 of section 361 of the Imperial German Criminal Code shall be and is hereby repealed together with all existing laws in the Protectorate repugnant to or in conflict with the provisions of this Proclamation.

18. This Proclamation may be cited for all purposes as the "Vagrancy Proclamation 1920."

GOD SAVE THE KING.

Given under my hand at Windhuk, this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

No. 26 of 1920.]

WHEREAS it is desirable to make provision in the Protectorate for the arrest and surrender to the authorities in certain territories in Africa of persons accused of offences punishable by the courts of those territories;

AND WHEREAS the testimony of persons residing or being in this Protectorate is frequently required in the courts of law of neighbouring territories and it is necessary lest the ends of justice be defeated that provision should be made for compelling the attendance of such persons before the said courts or for their examination in this Protectorate by means of interrogatories;

NOW, THEREFORE, under and by virtue of the powers in me vested, I do hereby declare, proclaim, and make known as follows:—

PART I.

1. Whenever in any of the territories mentioned in the schedule to this Proclamation, a warrant has been issued for the apprehension of a person accused of an offence punishable by the courts for the time being existing in that territory and such person is or is suspected of being in or on his way to the Protectorate, any magistrate of the Protectorate, if satisfied that such warrant has been issued by competent authority in that territory, may endorse such warrant and such person may thereupon be arrested and returned to that territory in like manner as if this Protectorate were a British possession of a group within the meaning of Part II of the Fugitive Offenders' Act, 1881, of the Imperial Parliament, and the provisions of that Act for this purpose shall be of full force and effect accordingly.

The expression "Competent Authority" shall mean a judge, magistrate, additional magistrate, assistant magistrate, justice of the peace, resident commissioner, assistant commissioner, or any person having lawful authority in the territory to issue warrants for the apprehension of persons suspected of having committed an offence therein.

PART II.

2. Whenever a subpoena purporting to be issued by the proper officer of a competent court in any territory mentioned in the schedule hereto has been transmitted by such officer to the magistrate of any district in the Protectorate in which there resides or is a person whose attendance is required as a witness in any civil or criminal proceeding in such court aforesaid, it shall be the duty of such magistrate to endorse on the said subpoena his order that the same be served on the person named therein and the subpoena so endorsed shall thereupon be delivered to the messenger of the said magistrate's court or to such other person as the said magistrate shall specially appoint for the purpose, and it shall be the duty of such messenger or other person to serve such subpoena as soon as practicable on the person named therein; provided always that the necessary expenses of such service and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the court named in such subpoena and to be incurred during his detention at the place where his evidence is given shall have been transmitted to the said magistrate, together with the said subpoena; and provided, further, that the portion of the expenses aforesaid assigned to the person named in the said subpoena shall have been paid to him by the officer serving the same.
3. The Administrator may from time to time make, alter, or rescind a tariff of such expenses as are mentioned in the last preceding section in respect of any such territory aforesaid.
4. Any person who shall have been served with such subpoena as in section two is provided and shall not have attended at the time and place mentioned therein shall be liable to a penalty not exceeding one hundred pounds unless he shall offer a valid and lawful excuse for such non-attendance; and every such penalty shall be recoverable in the court of the magistrate in which he shall be residing at the instance of the Crown Prosecutor.
5. The return of the person who under section two of this Proclamation is authorised to serve a subpoena showing that service has been duly made together with a certificate under the hand and seal of the presiding judge or magistrate of the court from which the said subpoena was issued showing that the person so served did not attend when called upon and did not establish any valid and lawful excuse for his default shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.
6. No person resident in any such territory who may be summoned as a witness before any court of this Protectorate and whose attendance before such court shall be enforced by any law of such territory shall be liable while so attending to be arrested upon any civil or criminal process for any debt formerly due or for any offence formerly committed by him in this Protectorate.

PART III.

7. If any civil cause or matter be pending in any magistrate's court of any territory mentioned in the schedule hereto and the magistrate of such court shall certify that the evidence of a person resident or being in this Protectorate is required in such cause or matter and shall transmit such certificate to the magistrate of the district in which such person resides or is together with any interrogatories duly and lawfully framed which it is desired to put to such person it shall be the duty of such last-mentioned magistrate upon receipt
  - (a) of such certificate and interrogatories;
  - (b) of the expenses payable to such person for his appearance as herein provided;
  - (c) of the amount payable in fees or stamps for the issue and service of the summons herein mentioned;

to summon such person to appear before him and upon such appearance to take the evidence of such person as if he were a witness in a civil case in the court of such magistrate and to put to such person the interrogatories aforesaid together with any other questions calculated to obtain full and true answers to such interrogatories and to take down or cause to be taken down the evidence so obtained and to transmit the same certified as correct to the magistrate in whose court such civil cause or matter is pending.

It shall further be the duty of the magistrate who has obtained such evidence to transmit to the magistrate in whose court the said cause or matter is pending a certificate showing the amount paid to the person aforesaid in respect of the expenses of appearance and the cost of the issue and service of any summons aforesaid.

8. The Administrator may from time to time make, alter and rescind a tariff of expenses payable to persons summoned before a magistrate under the provisions of the last preceding section and of the fees and stamps payable in respect of the issue and service of any such summons.
9. Any person required to appear before a magistrate under the provisions of section seven shall be summoned in like manner and be liable to like penalties in the event of his non-attendance as if he had been summoned to give evidence under the Magistrates' Courts Act, 1917, as applied and extended to the Protectorate by the Administration of Justice Proclamation No. 21 of 1919 or any amendment thereof or any regulations made thereunder.
10. In this Proclamation the term "magistrate" shall include an assistant magistrate, and in the case of territories in which the functions performed by magistrates and assistant magistrates in this Protectorate are in such territories performed by resident commissioners or assistant commissioners shall include a "resident commissioner" and "assistant commissioner."
11. This Proclamation shall be known and may be cited for all purposes as "The Fugitive Offenders and Neighbouring Territories Evidence Proclamation, 1920."

GOD SAVE THE KING.

Given under my hand at Windhuk, this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

#### SCHEDULE.

The Union of South Africa.  
Basutoland.  
Bechuanaland Protectorate.  
Nyasaland Protectorate.  
Northern Rhodesia.  
Southern Rhodesia.  
Swaziland.

No. 27 of 1920.]

WHEREAS it is expedient to make provision for the suppression and punishment of certain offences

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. All laws and regulations, and especially Martial Law Regulations, 19 and 35, now in force in the Protectorate and inconsistent with or repugnant to this Proclamation shall be and are hereby repealed but such repeal shall not affect any things done, offences committed or proceedings commenced or pending under and by virtue of or against any of the said repealed laws or regulations.

2. In the construction of this Proclamation "Local Authority" shall mean:—

The council of any Municipality;

The magistrate residing in any town or village not being a municipality.

#### PART I. POLICE PROVISIONS APPLICABLE TO SPECIAL LOCALITIES.

3. The provisions of this part of this Proclamation shall be in operation

- (1) In every town or village which has been or shall hereafter be constituted a municipality.
- (2) In every town, village or other place in which the Administrator shall by notice in the Gazette declare this part to be in operation and from a date to be by such notice fixed and appointed.
- (3) In the following towns and villages:—

Aroab, Bethany, Gobabis, Gibeon, Maltahöhe, Outjo, Otjiwarongo, Rehoboth, Tsumeb, Warmbad.

4. The Administrator may from time to time by notice in the Gazette define, vary and alter the limits of any such town, village or other place to which the provisions of this part shall be applied, and may revoke any such notice.
5. Any person guilty of any of the following offences, omissions or neglects shall, on conviction, in respect of each act or offence, be liable to a penalty not exceeding two pounds, or in default of payment, to be imprisoned, with or without hard labour, for a period not exceeding thirty days, unless such penalty be sooner paid:
  - (1) Washing in, or in any manner defiling or polluting, the water of any public stream or watercourse.
  - (2) Indecently exposing the person or appearing in any street or public place without such articles of clothing as decency requires.
  - (3) Wantonly or mischievously ringing any public bell, or making any noise or disturbance in the streets, throwing stones or other missiles, removing signboards or other property from the premises of the owner, or mischief of a like nature.
  - (4) Wantonly irritating any cattle, horses, or other animals whether attached to vehicles or not, or unnecessarily clapping wagon-whips in any public street or place.
  - (5) Making a fire in any street, thoroughfare, or public place, or letting off fireworks without leave of the local authority.
  - (6) Riding a horse or driving a vehicle upon any footpath or sidewalk.
  - (7) Wilfully or by any neglectful act depriving any person of the water to which such person is entitled.
  - (8) Unlawfully diverting or appropriating the water to which any other person is entitled.
  - (9) Throwing any glass, filth, dirt, rubbish or offensive matter upon any public street, lane or public place, or in any dam, or reservoir, or watercourse, or fountain, or in any other place than such as may have been appointed for that purpose by the local authority.
  - (10) Encumbering any public street, footway, or carriage-road, or obstructing the free passage along the same by means of any wagon, cart or other thing whatsoever.
  - (11) Wilfully or neglectfully breaking up, injuring or damaging any dam or public watercourse, or any public street, footway, carriage-road, or thoroughfare.
  - (12) Cutting down, removing, destroying or injuring any wood, tree or shrub upon any commonage without special permission from the local authority.
  - (13) Destroying, damaging, or injuring any tree or shrub growing in or along any public street, or in any public place.

- (14) Furiously driving any vehicle, horse, or cattle, or furiously riding any animal in or through any public street, lane or thoroughfare.
  - (15) Discharging firearms or airguns in any street or thoroughfare, without leave of the local authority, or unless in the discharge of some duty, or in obedience to some lawful command; or using catapults.
  - (16) Driving or leaving any vehicle drawn by oxen or donkeys in any public street or thoroughfare without a leader, or leaving any vehicle drawn by horses or mules standing in any street or thoroughfare without a person at the head of the leaders.
  - (17) Swearing or making use of obscene, abusive, insulting, or threatening language, or shouting or screaming to the annoyance of the inhabitants in any street, road, or public place.
  - (18) Singing any obscene song or ballad, or writing, drawing, exposing to view or exhibiting any indecent or obscene word, figure, or representation in any public street or place.
  - (19) Burning any straw, shavings or other materials upon any footway, carriage-road, or open or public place.
  - (20) Leaving any inflammable material or matter in any public shed or place, or on any open space near any building, without having first obtained the permission of the local authority.
  - (21) Drawing or trailing any sledge, timber, or other heavy material upon any footway or carriage-road to the injury of such footway or carriage-road.
  - (22) Allowing any night-soil or other offensive matter to be spilt or cast into or upon any road, street, footway or public place.
  - (23) Allowing the drippings of the eaves of any house to fall upon any public footway.
  - (24) Placing any placard or other document, writing or painting on, or otherwise defacing any house, building, wall, fence, lamp-post, or gate, without the consent of the owner or occupier thereof.
  - (25) Neglecting to clean all private yards, ways, passages, or avenues, by which neglect a nuisance by offensive smell or otherwise is caused.
  - (26) Playing any game to the annoyance of any person in any public place.
  - (27) Committing any nuisance in any street, or within view of any dwelling-house, whereby public decency may be offended.
  - (28) Suffering to be at large any unmuzzled ferocious dog.
6. Any common prostitute or night-walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers shall be guilty of an offence and shall, on conviction be liable to a penalty not exceeding five pounds or in default of payment, to imprisonment with or without hard labour for any period not exceeding thirty days unless such fine be sooner paid: Provided that in the case of a second or any subsequent conviction, the magistrate may sentence to imprisonment without the option of a fine.
- PART II. GENERAL POLICE PROVISIONS.**
7. The provisions of this Part of this Proclamation shall extend to and be in operation throughout the Protectorate.
8. Any person guilty of any of the following acts or offences, shall upon conviction in respect of each act or offence, be liable to a penalty not exceeding five pounds, or in default of payment to be imprisoned with or without hard labour for a period not exceeding three months, unless such penalty be sooner paid:
- (1) Any driver of any vehicle injuring any property by negligence or driving on the wrong side of the road:
  - (2) Any driver of any vehicle being away from his horse or cattle so as to be unable to have the full control of them:
  - (3) Driving any vehicle or riding any animal, and when meeting any other vehicle or animal being ridden not keeping on the left or near side of the road or street, or when passing any other vehicle or animal going in the same direction, not going or passing or not allowing any person desirous so to do to pass when practicable on the right or off side of such other vehicle or animal being ridden.
  - (4) Leaving upon any street, public road or thoroughfare any stone, timber, bricks, or other thing, calculated to damage or endanger any animal or vehicle ridden or driven thereon.
  - (5) Any driver of a public vehicle or vehicle plying for hire for the conveyance of passengers wilfully delaying on the road, using any abusive or insulting language to any passenger, or by reason of intoxication, negligence or other misconduct, endangering the safety or property of any passenger or other person, or demanding or exacting more than the proper fare due from any passenger.
  - (6) Leaving upon any public road or thoroughfare any vehicle without any horse or animal harnessed thereto, unless in consequence of some accident having occurred.
  - (7) Having any timber, iron, or boards laid across any vehicle going along any public road so that either end projects more than two feet beyond the wheels or sides of such vehicle.
  - (8) Slaughtering or skinning any beast upon any public road or thoroughfare, or leaving any dead beast on any such road or thoroughfare.
  - (9) Setting or urging or permitting any dog or other animal to attack or worry any person, horse or other animal, or by ill-usage or negligence in driving any cattle causing any damage or hurt to be done by such cattle.
  - (10) Wilfully breaking any pane of glass in any building.
  - (11) Wilfully breaking or extinguishing or injuring any lamp, or damaging any lamp-post.
  - (12) Wilfully trespassing in any place, and neglecting or refusing to leave such place after being warned to do so by the owner or occupier, or any person authorised by or on behalf of the owner or occupier.
  - (13) In any street or open place betting or playing at any game for a wager or stake, or playing at or with any table or instrument of gaming.
9. Any person guilty of any of the following acts or offences shall upon conviction in respect of each act or offence be liable to a penalty not exceeding twenty pounds, or in default of payment to be imprisoned with or without hard labour for a period not exceeding six months, unless such penalty be sooner paid: or either to such penalty or such imprisonment, that is to say:
- (1) Any person having in his custody or possession without lawful excuse (the proof of which excuse shall be on such person) any pick-lock, key, crow, or other implement of housebreaking.
  - (2) Any person found by night, having his face blackened or wearing felt or other slippers, or being dressed or otherwise disguised, with a criminal intent.
  - (3) Any person found by night without lawful excuse (the proof of which excuse shall be on such person) in or upon any dwelling-house, warehouse, coach-house, stable, cellar, or outhouse, or in any enclosed yard, garden, or area, or in or on board any ship or other vessel when living or being in any port, harbour, or place in this Protectorate.
  - (4) Any person found by night armed with any gun, pistol, sword, bludgeon, or other offensive weapon or instrument with a criminal intent, or who being thereto required shall not assign a valid and satisfactory reason for being so armed.

- (5) Any person who shall resist, or incite, or aid, or encourage any person to resist, and any person who shall hinder or disturb any constable, policeman, or officer of any local authority in the execution of his duty.
10. Any person drunk in any street, road, lane, or public place, in or near any shop, store, hotel, or canteen, and any person guilty of any riotous or indecent behaviour in any such place as aforesaid, or in any police office or police station-house, shall upon conviction, be liable to a penalty not exceeding two pounds, and in default of payment, to imprisonment with or without hard labour, and with or without spare diet for any period not exceeding fourteen days, and in case of a second or subsequent conviction, shall be liable to a penalty not exceeding five pounds, or in default of payment to imprisonment with or without hard labour and with or without spare diet for any period not exceeding thirty days unless the fine in any case be sooner paid; provided that if it be proved to the satisfaction of the magistrate that any person found guilty of contravening this section, has been during the twelve months preceding such finding four times convicted of drunkenness by a competent court, then it shall be lawful for such magistrate to inflict a punishment of imprisonment with hard labour for any period not exceeding twelve months.
11. (1) Any person who shall use any threatening, abusive, or insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, in any street, road, public place, or licensed public house, shall upon conviction be liable to a penalty not exceeding three pounds, or to imprisonment with or without hard labour, and with or without spare diet, for any term not exceeding thirty days, unless such penalty be sooner paid; and such person may further be required to find sureties to keep the peace for such period, not exceeding three months, as the Court before which such person is tried may deem necessary.
- (2) Every person who shall without provocation and on any land not in the possession of such person use any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace might reasonably be occasioned, shall, upon conviction be liable to the penalties laid down in sub-section (1) of this section, and may be required to find sureties as there laid down; provided that nothing in this subsection contained shall apply within any area within which Part I of this Proclamation applies.
12. Every person who shall, in any port of this Protectorate, knowingly purchase, or take in exchange from any seaman or other person, not being the owner or master of any vessel, anything belonging to such vessel lying in such port, or any part of the cargo of any such vessel, or any stores or articles belonging to the same, shall, upon conviction, be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for any term not exceeding three months, but nothing herein contained shall prevent the trial of such person for any other crime of which, but for the issue of this Proclamation, he would have been guilty.
13. If any seaman belonging to any vessel lying in any port of this Protectorate, or if any other person shall take away or remove from any such vessel any boat attached or belonging to the same without having obtained permission so to do from the master or some officer of the said vessel, such seaman or other person shall, (although such taking or removal may not have been with intent to steal) upon conviction, be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for any term not exceeding three months.
- PART III. MISCELLANEOUS.
14. The provisions of this part of this Proclamation shall extend to and be in operation throughout the Protectorate.
15. (1) Any owner or occupier of any premises, situate in any town or village or any person in charge of any such premises who shall permit the accumulation of manure, dung offal, soil, filth or other unwholesome or noxious matter in such a manner that the breeding of flies takes place therein or any other nuisance arises therefrom shall be guilty of an offence and liable upon conviction to a fine not exceeding ten pounds sterling and a further fine not exceeding forty shillings for every day after conviction during which such nuisance continues; or in default of payment to imprisonment with or without hard labour for a period not exceeding one month in respect of every fine imposed unless the fine be sooner paid.
- (2) Any Government medical officer or sanitary inspector or member of the police force may from time to time visit or inspect any premises for the purpose of ascertaining if the same be kept clean.
16. Any policeman of the rank of sergeant or above such rank or any other member of the police force who may be thereto authorised by any such sergeant or member of the police of higher rank, may from time to time and at all times as often as they shall have reasonable or probable ground for suspecting that any person licensed to sell wines and spirituous liquors, is selling liquors at unlawful hours or on prohibited days, demand admittance into the premises of such dealer for the purpose of examining the same; and if such dealer shall wilfully and intentionally refuse to admit any such police officer, or policeman, after being informed of his official character, or if such dealer shall make any unnecessary delay in admitting the person so demanding admittance as aforesaid, such dealer shall upon conviction be liable for such offence to a penalty not exceeding ten pounds, or in default of payment to be imprisoned with or without hard labour for any term not exceeding three months, unless such penalty be sooner paid.
17. Any of the persons in the last preceding section mentioned and empowered for the purpose therein stated, may demand admittance into any lodging or other house, or into any apartment in any house, not being a licensed house, in case there shall be reasonable or probable cause for suspecting either from the fact that persons are seen coming out therefrom in a state of intoxication, or from any other fact of a like nature, or from private information given, that spirituous or other liquors are being sold therein, for the purpose of examining the same, and if the occupier of any such house or apartment shall wilfully or intentionally refuse to admit any such person as aforesaid (after such person has stated his official character), or if such occupier shall make any unnecessary delay in admitting such person as aforesaid, such occupier shall be liable upon conviction for such offence to a penalty not exceeding ten pounds, or in default of payment to be imprisoned with or without hard labour for any term not exceeding three months, unless such fine be sooner paid.
18. Any officer or member of any police force may stop any person who shall be found at any time between sunset and sunrise carrying or transporting any bundle or parcel or generally any goods of any description, and to interrogate such person; and if such person shall not account satisfactorily for the possession of the goods or articles so being carried or transported, or if there shall be reasonable

grounds for suspecting that such goods or articles have been criminally procured, then such officer or member may convey such goods or articles and the person carrying or transporting the same to any prison or police station, and detain such person in custody until the next sitting of the Court of the magistrate, who shall enquire into the circumstances and make such order, or give such direction as to him shall seem fit and proper.

19. If any person shall without the consent of the owner or occupier of any landed property, burn any stubble, grass, trees, or herbage thereon, or if any person shall leave any fire which he may have lighted or used in the open air before the same be thoroughly extinguished, he shall be liable upon conviction to pay a penalty not exceeding twenty pounds for every such offence, or to be imprisoned with or without hard labour for any period not exceeding six months, unless such penalty be sooner paid, or to both such penalty and such imprisonment; provided that nothing herein contained shall be deemed to exempt such person from prosecution for any other crime or offence for which but for the provisions of this section he would have been liable, but no person shall be twice prosecuted in respect of the same act or offence.
20. All monies arising from fines, penalties and forfeitures under this Proclamation shall, when recovered, be paid into the public revenue of the Protectorate; provided that it shall be competent for the Court before which any person shall be convicted to award any amount not exceeding one half of the amount of any such money recovered to any informer or person prosecuting.
21. This Proclamation shall be known and may be cited for all purposes as the "Police Offences Proclamation 1920."

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

No. 28 of 1920.]

WHEREAS it is desirable to amend the laws existing in the Protectorate relating to the Prevention of Disease amongst stock.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. All existing laws within the Protectorate repugnant to or in conflict with the provisions of this Proclamation shall be and are hereby repealed.
2. In this Proclamation and the regulations made thereunder, unless inconsistent with the context "department" shall mean the Branch of the Protectorate Administration dealing with agriculture acting through the officer for the time being in control thereof;
- "disease" shall mean any of the following diseases:—
  - anthrax,
  - contagious abortion,
  - East Coast fever,
  - epizootic lymphangitis,
  - foot-and-mouth disease,
  - glanders and farcy,
  - mange in equines,
  - pleuro-pneumonia (lung-sickness),
  - rabies,
  - rinderpest,
  - scab in sheep or goats,
  - sheep-pox,
  - swine erysipelas,
  - swine fever,
  - trypanozoonosis,
  - tuberculosis,
  - ulcerative lymphangitis.

and any other disease to which stock are liable and which the Administrator may by notice in the Gazette declare to be a disease for the purposes of this Proclamation and any regulation made thereunder;

- "government veterinary officer" shall mean a veterinary officer of the department;
- "infected area" shall mean an area of land declared under and for the purposes of any provision of this Proclamation to be infected with a disease;
- "magistrate" includes an assistant magistrate, and when used in relation to land or any thing to be done in respect of land, shall mean the magistrate or assistant magistrate of the district in which that land is situate;
- "officer" shall mean an officer of the department to whom duties under this Proclamation or the regulations have been generally or specially assigned by the Administrator;
- "owner" when used in relation to any land, shall mean the registered owner thereof when he is in actual occupation of any land, and when the owner is not in occupation of his own land, the expression when so used shall mean any person who, whether as lessee, licensee, or otherwise entitled, has for the time being the charge, control, and management of that land and, in respect of a native reserve, location, or mission station, the headman or such other person as the Administrator may designate;
- "owner" when used in relation to stock, shall mean,
  - (a) every person who is the sole or part owner thereof; or
  - (b) if the sole or part owner has not for the time being the control of the stock, the person who has such control;
- "port of entry" shall mean a place declared under and for the purposes of this Proclamation to be a port of entry for stock;
- "regulation" shall mean a regulation made and in force under this Proclamation;
- "stock" shall mean cattle, sheep, goats, horses, mules, donkeys, pigs, dogs, ostriches or any other animal which the Administrator may, by notice in the Gazette, declare to be stock for the purpose of this Proclamation, and "cattle" shall mean bulls, oxen, cows, heifers and calves;
- "principal veterinary officer" shall mean the senior veterinary officer of the Protectorate except when used in relation to scab in which case the expression shall mean the principal sheep inspector.
- "suspected area" shall mean any area of land declared under and for the purpose of any provision of this Proclamation to be suspected of being infected with a disease.

#### CHAPTER I.

#### RESTRICTIONS ON AND REGULATION OF THE IMPORTATION OF STOCK INTO THE PROTECTORATE AND ITS REMOVAL THEREFROM.

3. (1) The Administrator may, from time to time, by notice in the Gazette declare any place within the Protectorate to be a port of entry for stock or for any particular species of stock.
- (2) From and after the taking effect of this Proclamation no person shall introduce or cause to be introduced into the Protectorate any stock except through a port of entry, and when places have been declared ports of entry for any particular species of stock, no person shall introduce or cause to be introduced into the Protectorate any particular species of stock except through a place declared a port of entry for that particular species.
 

Nothing in this sub-section contained shall be construed as preventing any person introducing stock by special arrangement with the department, otherwise than through a port of entry or as rendering the person who has so introduced stock under any special arrangement, liable to penalties.
4. (1) From and after the taking effect of this Proclamation no person shall introduce or cause to be

- introduced into or remove or cause to be removed from the Protectorate, any stock except upon the authority of a written permit under the hand of the principal veterinary officer and subject to such conditions as he may impose.
- (2) The Administrator shall from time to time by notice in the Gazette declare the countries and the territories (whether oversea or within Africa) wherefrom stock or any particular species of stock will not be allowed to enter the Protectorate.
- (3) The principal veterinary officer shall not issue such a permit unless the application therefor be accompanied by such particulars as are prescribed by regulation.
5. (1) Whenever any cattle arrive at a port of entry from oversea, from any country which has made satisfactory provision for the establishment of a Government testing station, they shall only be admitted if
- (a), they are accompanied by a certificate under the official seal of the Board of Agriculture in the United Kingdom and signed by an officer of that department or by a certificate signed by a veterinary surgeon approved by the Administrator setting forth that they have been previously isolated for not less than twenty-eight days at an approved Government testing station; and
- (b) the certificate states that they have been subsequently tested with tuberculin in such manner as the Administrator may direct and have passed the test and subsequently gone direct from the testing station to the ship.
- (2) Whenever any cattle arrive at a port of entry from oversea with respect to which no arrangement has been made with the country of origin for quarantine and test at a Government testing station oversea, they shall be isolated for a period of twenty-eight days at least, in accordance with the directions of the principal veterinary officer and shall be subjected to the tuberculin test. Any of the cattle which react to such test shall be destroyed immediately without compensation.
- (3) Notwithstanding anything in sub-sections (1) and (2) contained, the Administrator may, instead of destroying any animal which has reacted to the tuberculin test, require the owner at his own expense to remove that animal within a period not exceeding in any case two months, to the country of origin oversea; or the Administrator may, in the case of a cow in calf, direct that such cow shall not be destroyed until the calf is born.
- (4) In the event of a Government veterinary officer being unable on a *post mortem* examination to find any visible lesion of tuberculosis in any reacting animal which has been destroyed on account of its having reacted to the tuberculin test, or, in the event of the department being unable to demonstrate by microscopical or bacteriological methods, the existence of tuberculosis in such a reacting animal, the department shall pay to the owner of the animal, on production of satisfactory evidence as to the price paid by him therefor, compensation not exceeding one hundred pounds. The amount of such compensation shall be determined in accordance with a procedure prescribed by regulation.
- (5) If any stock arriving at a port of entry for the purpose of being introduced into the Protectorate be suspected of being infected with any disease, the principal veterinary officer, or another officer, may cause such stock to be isolated for such period as he may deem necessary and shall subject the stock to such test (if any) as may be prescribed by regulation for that particular species of stock.
- (6) No person shall remove, or cause to be removed, any stock so isolated, except upon the authority of a permit issued by an officer in the form, and according to the conditions, prescribed by regulation for that particular species of stock.
- (7) An officer may order that any stock at a port of entry be inoculated, dipped, disinfected, sprayed, branded, muzzled, or otherwise secured, in accordance with regulation, before any such permit is issued.
- (8) The responsibility for the feeding, watering, tending and herding of stock while so isolated, and for providing for any inoculation, dipping, disinfecting, spraying, branding, or muzzling, prescribed by regulation, shall be upon the owner, and if he fail to carry out such his responsibility, an officer at the port of entry may do all things necessary, or may dispose of the stock in accordance with the instructions of the principal veterinary officer, and all costs incurred in connection therewith shall be payable by the owner.
- No such permit as is mentioned in sub-section (6) shall be issued to the owner for the particular stock isolated, and no permit to introduce any other stock belonging to that owner shall be granted, until those costs have been paid.
6. If any stock lawfully introduced from outside the Protectorate be found, whether at a port of entry or elsewhere in the Protectorate to be infected, or to be suspected of being infected, with disease, or be found to be or be suspected of having been in contact with stock so infected or suspected, the Administrator may cause the stock to be destroyed, or may give the owner notice:
- (a) to remove the stock from the Protectorate; or
- (b) to keep the stock within the Protectorate under such conditions as the principal veterinary officer may prescribe.
- The owner shall be entitled to elect which course he will pursue, and shall be granted a reasonable period (not exceeding seven days) within which to make his election. If within that period the owner has not made his election or has not pursued one or other of the said courses, the Administrator may cause the stock to be destroyed, or dealt with in any other manner.
7. If any stock be found within the Protectorate and in the opinion of the Administrator that stock has been introduced in contravention of the provisions of this Chapter or the regulations, he may cause the same to be destroyed or otherwise dealt with, and if upon the prosecution of the owner or any other person a conviction be obtained in respect of the introduction of that stock, no compensation shall be paid to the owner for the loss of the stock, but if upon such prosecution the court find as a fact that the provisions of this Chapter or the regulations have not been contravened in respect of the introduction of the stock, compensation shall be paid by the department according to a scale and in manner prescribed by regulation.
8. (1) If there be found within the Protectorate any stock which is reasonably suspected of having strayed therein from an adjoining territory, the person finding the stock shall report the fact, either direct or through the nearest police post, to the magistrate of the district.
- (2) Any such stock may be destroyed upon the order of the Administrator and no compensation shall be payable, unless the Administrator otherwise direct, to the owner. If the Administrator direct that compensation be so payable, such compensation shall be paid by the department according to a scale and in manner prescribed by regulation.

## CHAPTER II.

## REGULATION OF MOVEMENTS OF STOCK WITHIN THE PROTECTORATE.

9. (1) Save as in this Proclamation and the regulations is otherwise provided, no person shall remove or cause to be removed from any land owned or occupied by him any stock which is infected with disease.
- (2) Whenever any stock upon any land has become infected with disease or is suspected of being infected with disease, the owner of the stock shall report the fact or (as the case may be) the suspicion, to such person as in the case of each

- particular disease may be prescribed by the Administrator, and every such person may, by written notice served on the owner of the stock and on the owner of the land, declare any defined area of the said land to be a suspected area, and shall in that notice give such instructions for the isolation of the infected or suspected stock as he may deem necessary. If the disease be scab in sheep or goats, every such person may forthwith declare the area to be an infected area.
- (3) The report shall be transmitted to the Administrator who, if satisfied that a disease exists on the said land, may declare any defined area of that land, not already declared an infected area, to be an infected area.
- (4) A declaration of an infected area shall be by written notice served upon the owner of the land and the owner of the stock and, if the Administrator so determine, by notice also in the Gazette and in a newspaper circulating in the district in which the area is situate. Every such notice shall state the boundaries of, or otherwise describe, the infected area and the disease with which it is declared infected.
10. The Administrator or any officer specially deputed by him, shall, in the event of any stock within the Protectorate being found to be infected with any of the following diseases, proceed as in this section is provided, that is to say:—
- (1) If any stock be visibly infected with glanders he shall cause it to be destroyed, and if he deem it desirable to subject to the mallein test any other stock in order to prevent the spread of glanders, he shall cause all such stock as react to that test to be destroyed.
- (2) If any stock be visibly infected with tuberculosis he shall cause it to be destroyed, and shall subject to the tuberculin test any stock which has been or is suspected of having been in contact with any stock so infected, and he may, in his discretion, subject to such test any stock susceptible to tuberculosis and cause any stock reacting to that test to be destroyed or dealt with in such manner as he may direct or to be isolated in accordance with his instructions.
- (3) If any stock be found to be infected with lung-sickness he shall cause it to be destroyed and shall further cause any stock which has been in contact with any stock so infected or is liable to be so infected, to be inoculated or drenched under the supervision of a government veterinary officer or of any other officer specially deputed thereto in writing by the Administrator.
- Compensation shall be payable by the department in respect of any stock destroyed under the powers of this section.
11. (1) If land within an infected area adjoin any public road, or if a public road be within an infected area, the Administrator shall cause notices easily legible, to be affixed in a conspicuous spot at each end of that part of the road which adjoins or is within the infected area.
- (2) Every such notice shall state the disease with which the area is declared infected.
12. (1) No person shall, except upon the written permission of an officer, remove stock, liable to the disease with which an area has been declared suspected or infected, into or out of that area or within or beyond such limits therein as may be defined in each case by an officer.
- (2) No person shall leave any such area, unless he has done such acts as are prescribed by regulation for preventing the disease being spread by the movements of persons.
- (3) No person shall, except upon the written permission of an officer, move or cause to be moved from a suspected or infected area, the carcass or any part of the carcass of stock which has died, or is suspected of having died, of disease, or which by reason thereof has been destroyed under this Proclamation.
- (4) All such carcasses shall be burnt, buried, or otherwise disposed of, in manner, and after such acts have been done in regard thereto, as may be prescribed by regulation.
13. (1) If any owner of land find thereon or an owner of stock find amongst the same any stock which he has reason to suspect has either strayed or been illegally moved, from a suspected or infected area, on to that land, that owner may detain or isolate the stock, and shall immediately report the facts to the nearest magistrate, stock inspector, veterinary officer or at a police station or police post. The owner of the stock which has strayed or been illegally removed shall be liable for any loss sustained by any person in respect of the straying or the illegal movement.
- (2) Anything to the contrary notwithstanding in any law or regulations relating to pounds, the reasonable expenditure incurred by any such owner in isolating, feeding, treating, or herding any stock in the circumstances mentioned in sub-section (1) shall be a debt due to him from the owner of the stock, and the first-named owner shall, subject to the powers of the Administrator under this Proclamation, have a right of retaining the stock or any other property in his possession belonging to the last-named owner until the whole of that debt be paid.
14. If in an infected area any stock be found which is reasonably suspected of having strayed therein, or of having been illegally moved thereto, whether before or after the area was declared infected, that stock shall be immediately isolated by the person finding the same, who shall immediately report the finding of the stock to a magistrate, stock inspector or veterinary officer or at a police station or police post. The Administrator may, after the stock has been examined by an officer, deal with it as he may determine, regard being had to all the circumstances and to the conditions of the stock as regards disease.
15. (1) Anything to the contrary notwithstanding in any law or regulations relating to pounds, no person shall confine in any pound any stock, infected or suspected of being infected with disease.
- (2) No person shall, except upon the written authority of the principal veterinary officer confine in any enclosed public place any such stock as is described in sub-section (1).
- (3) Any such stock may, but only under the written authority of an officer, be removed to a special isolation pound established by the Administrator or by any local authority, and the provisions of the law or regulations relating to pounds in the place where that special pound is established shall, save in so far as the same may be inconsistent with the provisions of this section, apply to that special pound.

### CHAPTER III.

#### GENERAL AND MISCELLANEOUS.

16. The Administrator shall, in addition to any other powers conferred by this Proclamation or lawfully exercisable under the regulations, have all the following powers, namely:—
- (a) To prohibit or order or permit the removal of stock from one place, zone, or area within the Protectorate to another place, zone, or area within the Protectorate.
- (b) to cause the carcasses or hides of stock which have been destroyed or have died from disease to be buried or otherwise disposed of on any land, and to prohibit the removal of any such carcass or portion thereof, whether or not the same has been buried or otherwise disposed of;
- (c) to cause any stock which has been removed in contravention of this Proclamation or the regulations to be destroyed or otherwise dealt with without payment of compensation;
- (d) to cause any stock infected or suspected of being infected with any disease to be destroyed on payment of compensation, provided that in the case

- of stock infected with East Coast fever, no compensation shall be payable;
- (e) to order or cause any stock within such areas as may be defined by notice in the Gazette, to be inoculated, dipped, sprayed, or otherwise disinfected, or to be branded, muzzled, or otherwise secured in a manner prescribed by regulation;
- (f) to order or cause any sheep or goats within such areas as may be defined by notice in the Gazette to be dipped in manner prescribed by regulation;
- (g) to prescribe routes along which stock or any particular species of stock may be driven or conducted, to close routes for the driving or conducting of stock or any particular species of stock and to suspend the traffic of stock or any particular species of stock along any route;
- (h) to cause the grass or grass-hay on any land within an infected or suspected area to be burned after any stock has been destroyed thereon or removed therefrom;
- (i) to prohibit the removal from any place of any grass, grass-hay, or any other article or any tick or living thing likely to convey or spread any disease;
- (j) to direct that every case of disease be notified within such period to such person, and in such manner as the Administrator may prescribe;
- (k) to prohibit the holding of any live stock market, fair, or show, if he consider that the holding thereof would be likely to spread any disease, or in like circumstances to prohibit the sale or purchase of stock within an infected or suspected area, except under such conditions as he may prescribe;
- (l) to order or cause to be disinfected in manner prescribed by regulation any public market, private sale and auction yard, or any structure or enclosure in which stock has been confined, and any railway rolling stock, wherever situate within the Protectorate and to whomsoever belonging, which has been used or is intended for the conveyance of stock;
- (m) to make use of for the destruction of stock, when destruction is authorised under this Proclamation or the regulations, any abattoirs, private or municipal, on payment of the prescribed charges, and to construct, erect, and maintain abattoirs out of moneys provided from the revenues of the Protectorate;
- (n) to order or cause to be disinfected or otherwise treated hides, skins, horns, hoofs, wool, mohair, or feathers, or any articles or things likely to spread a disease, if the same have been in a suspected or infected area;
- (o) to prohibit the removal within or the introduction into the Protectorate of the blood, liquid, secretions, excreta, or any part of any stock suspected of being infected or infected with a disease;
- (p) to order any owner to construct, at his own expense, dipping tanks and any structures incidental thereto, or other appliances for the dipping or spraying of stock, and on failure to comply with any such order, to construct the same and recover the expenditure incurred from the person to whom the order was given, but subject always to the provisions of any law relating to advances by the Administration to defray the initial cost of such tanks or structures or appliances.
17. (1) The Administrator or any officer, may enter upon any land, premises, vessel, or vehicle within the Protectorate for the purpose of carrying out any power conferred, or duty imposed, upon him by this Proclamation or the regulations, and may take with him upon any such land, premises, vessel, or vehicle, such assistants, whether officers or not, and any animal, vehicle, instrument, appliance, drug, or other thing whatsoever as will enable him more effectually to carry out any such power or duty.
- (2) Any person who obstructs, or hinders, or restricts the Administrator, or any officer, or assistant in sub-section (1) mentioned, in the exercise of the power or duty aforesaid, or does, or attempts to do, any injury to any such animal, vehicle, instrument, or appliance, drug, or other thing aforesaid, shall be guilty of an offence.
18. (1) Whenever compensation is payable by the department under this Proclamation in respect of diseased stock, the same shall be paid out of moneys provided from the revenues of the Protectorate for the purpose and shall, except in any case of compensation payable in respect of the loss of sheen caused by any dipping carried out by an officer be assessed in accordance with the scales of value set forth in the Schedule to this Proclamation.
- (2) The amount shall be determined, in accordance with a procedure prescribed by regulation, either by a government veterinary officer or, if the person claiming the compensation so elect, by a board consisting of a magistrate and two landowners in actual occupation of farms nominated by the magistrate of the district wherein the person to be compensated kept the stock the subject of the claim.
- (3) Save as in this Proclamation or the regulations is provided, no compensation shall be payable by the Administration, the Administrator, the department, or any officer, in respect of loss or damage caused by the exercise of the powers of this Proclamation or the regulations.
- (4) Whenever compensation is claimed under this Proclamation, otherwise than from the Administration, the Administrator, the department, or an officer, the claim shall be by action in a competent court.
19. The Administrator, the principal veterinary officer, or any other officer may in his discretion refuse the issue of any permit or other document authorizing the doing of any act or thing, for the doing of which a permit or other document is required under this Proclamation or the regulations: provided that an appeal shall lie to the Administrator against any such refusal by the principal veterinary officer and to the principal veterinary officer against any such refusal by any other officer, but no appeal shall lie from the Administrator's decision, and no proceedings shall be instituted in any court of law to compel any person to issue any such permit or other document of authority under this Proclamation or the regulations.
20. (1) Any person who, in any suspected or infected area, is found collecting ticks or any other living thing or any article or moves any infected stock, with intent to infect stock with or to spread amongst stock any disease, shall be guilty of an offence and liable on conviction to imprisonment with hard labour for a period not exceeding five years.
- (2) Any person who within the Protectorate is found in possession of ticks or any other living thing or any article, with the intent mentioned in sub-section (1) shall be guilty of an offence and liable on conviction to the penalties in that sub-section mentioned.
- (3) The burden of disproving any such intent shall in any prosecution under this section lie on the accused person.
21. (1) Any person who
- (a) is guilty of an offence against, or contravenes any provision of, this Proclamation or the regulations, or fails to comply with any such provision as and when it is his duty so to comply; or
- (b) contravenes, disobeys, or fails to comply with any lawful order or requirement of the Administrator or the principal veterinary officer or any other officer, or the conditions of any permit or other document issued under this Proclamation or the regulations; or
- (c) without the permission of an officer, changes or interferes with any fence, tank, or building (whether the fence, tank, or building be on his own land or elsewhere), if by the change or interference disease is likely to be spread, shall, if no penalty be specially provided, be liable:

(I) on a first conviction, to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months, or if the offence or contravention be of section *four*, subsection (1) of section *nine*, or section *twelve*, to such imprisonment without the option of a fine, or to both such fine and imprisonment;

(II) for a second conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months or to such imprisonment without the option of a fine or to both such fine and such imprisonment;

(III) for a third or subsequent conviction to a fine not exceeding two hundred and fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

Provided that if the offence, contravention, disobedience, or non-compliance be in connection with the disease of scab, the maximum fine which may be imposed upon any conviction shall be fifty pounds; provided also that if the conviction be for failure to report the disease of scab the maximum fine imposed shall be twenty pounds; provided further that no person so convicted shall be liable to imprisonment except in default of payment of such fine and upon such default he shall be liable to imprisonment with or without hard labour for a period not exceeding six months.

(2) A Magistrate's Court shall have special jurisdiction to impose on summary trial the maximum punishments provided by this section for any offence, contravention, disobedience, or non-compliance (other than any such offence as is mentioned in section *twenty*), anything to the contrary notwithstanding in the law relating to magistrates' courts.

22. (1) Where in any charge under this Proclamation or the regulations it is necessary to ascertain whether any accused person suspected or had reasonable grounds for suspecting the existence of any fact, the burden of proving that such person did not so suspect or had no reasonable grounds for so suspecting shall lie upon the accused.

(2) A certificate under the hand of any analyst or bacteriologist of the Union Government or Protectorate Administration or of the Principal Veterinary Officer shall in any prosecution under this Proclamation or the regulations, be *prima facie* evidence of the facts stated therein and it shall not be necessary for the prosecution to tender the oral evidence of any such analyst, bacteriologist, or principal veterinary officer in support of the statements made or opinions given in the certificate, unless the court specially direct, in which case the court shall grant a remand to enable the person whose presence is required to attend.

23. The Administrator may make regulations

(a) prescribing the methods and periods of, and the times for, isolation, inoculation, disinfecting, treatment, testing, dipping, spraying, branding, removal, and destruction of stock; or

(b) prescribing the circumstances in which compensation shall be paid by the department in respect of loss of sheep caused by any dipping carried out by an officer, and prescribing also the amount of such compensation;

(c) prescribing the mode and times of burial or other disposal of carcasses of stock dying or suspected of having died from a disease, or which have been destroyed because infected, or suspected of being infected, with a disease;

(d) prescribing the methods of disinfecting roads, kraals, railway trucks, vehicles, stables, sheds, pens, or places where stock suspected of having been, or known to have been infected with disease have been confined;

(e) as to the introduction into and the manufacture, sale, and use within the Protectorate of toxine, virus, vaccine, lymph, and serum intended for the treatment of stock;

(f) as to the introduction into and the removal and disinfecting within the Protectorate of hides, skins, wool, mohair, and feathers or other articles likely to spread a disease;

(g) restricting or preventing the movements of persons where any such movements are likely to spread a disease and prescribing the precautions to be taken by any person whose movements are so restricted;

(h) for such control of abattoirs or pounds and of public markets as will prevent the spread of a disease, and for compelling persons in charge thereof to report any disease which has been discovered amongst stock therein;

(i) prescribing the form of permits, authorities, or other documents required under this Proclamation and the form of application therefor, and the particulars to be inserted or furnished on any such form;

(j) prescribing fees and charges payable to the department or any officer for any act to be performed under this Proclamation or the regulations;

(k) prescribing the manner in which the powers conferred by section *sixteen* upon the Administrator shall be carried out;

and generally for preventing the introduction or spread of any disease within the Protectorate or any portion thereof and for securing co-operation between officers and owners.

Special regulations may be made as to any particular class of stock, to be in force only in specified portions of the Protectorate or as to any particular disease, and any general regulations may be made so as to vary for different portions of the Protectorate or so as to differentiate between any particular species of stock or any particular disease.

24. Nothing in this Proclamation or the regulations contained shall be construed as applying to any person specially authorized by the Administrator to conduct investigations or experiments in connection with any disease in so far as his act or omission is in furtherance of any such investigation or experiment.

25. This Proclamation may be cited for all purposes as the "Diseases of Stock Proclamation, 1920," and shall come into force and effect on the First day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

SCHEDULE.

*Glanders.* Visibly infected animals, one-quarter of valuation, with a maximum compensation of £10; animals reacting to the mallein-test but visibly healthy, one-quarter of valuation, with a maximum compensation of £20.

*Epizootic Lymphangitis.* One-quarter of valuation, with a maximum compensation of £20.

*Any other Equine Disease.* One-quarter of valuation, with a maximum compensation of £20.

*Lung-Sickness.* One-half of valuation, with a maximum compensation of £15.

*Tuberculosis.* One-quarter of valuation, with a maximum compensation of £15.

*Foot-and-Mouth Disease and other Diseases of Stock not specified in this Schedule. One-quarter of valuation, with a maximum compensation of £15.*  
*East Coast Fever.*

	£	s.	d.
Bull, maximum compensation	7	10	0
Cow, including three-year-old heifers, maximum compensation	5	0	0
Oxen, including three-year-old and over maximum compensation	4	0	0
Two-year-old cattle, maximum compensation	2	0	0
One-year-old cattle, maximum compensation	1	10	0
Calves, maximum compensation	1	0	0

Where the hides and carcasses can be utilized, the value of those hides and carcasses shall be deducted from the compensation payable.

No. 29 of 1920.]

WHEREAS by the Land Settlement Proclamation No. 14 of 1920, the Provisions of the Land Settlement Act, 1912 of the Union Parliament as amended by the Land Settlement Act Amendment Act 1917 of the Union Parliament was applied with certain amendments to the Protectorate of South-West Africa.

AND WHEREAS it is desirable further to amend the provisions of the aforesaid Land Settlement Act 1912 as amended by the Land Settlement Act Amendment Act 1917 as so applied and extended to the said Protectorate

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known that Section 44 of the Land Settlement Act 1912 of the Parliament of the Union of South Africa as applied to the Protectorate of South-West Africa by Proclamation No. 14 of 1920 is amended by the deletion of the word "Parliament" and the substitution therefor of the words "the Governor General."

GOD SAVE THE KING.

Given under my hand at Windhuk this 7th day of June, 1920.

E. H. L. GORGES,  
Administrator.

No. 30 of 1920.]

WHEREAS it is desirable to introduce a law relating to prohibited immigrants and to regulate the entry of persons into this Protectorate.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. (1) After the date of the taking effect of this Proclamation no person shall enter the Protectorate if he is such a person as would at such date be a prohibited immigrant in respect of the Union of South Africa or any Province thereof owing to the operation in the said Union or any Province thereof of sub-section (1) of section four of the Immigrants Regulation Act 1913 of the Union (Act No. 22 of 1913); provided that in the application of paragraphs (d) (f) and (g) of that sub-section to the Protectorate the expression "Minister" as used therein shall be construed as "Administrator" and in the application of paragraphs (c) (d) (f) and (h) of that sub-section the expression "Union" shall be construed as "Protectorate."

- (2) Persons exempted from the provisions of sub-section (1) of this section of this proclamation shall be the persons described in paragraphs (a) (b) (c) and (h) of section five of the said Act as well as persons domiciled in the Protectorate.

- (3) Save as is specially provided in this section, the provisions of the said Act do not apply in respect of the Protectorate.

2. Notwithstanding anything in section one of this Proclamation contained no person who has at any time been repatriated to his country of origin or otherwise removed from the Protectorate or who, being a subject of the late enemy powers, has not been domiciled in the Protectorate shall, after the date of the taking effect of this Proclamation, enter the Protectorate unless he is in possession of a permit issued by or on the authority of the Administrator and in issuing or authorising the issue of any such permit the Administrator may attach thereto conditions as to its duration or as to the particular places in which the holder may reside or as to the members of the holder's family who may enter and reside in the Protectorate under the authority of the permit.

3. (1) Any person who contravenes any provision of this Proclamation or the conditions of any permit issued thereunder shall be guilty of an offence and liable on conviction to a fine not exceeding £50 (fifty pounds) or to imprisonment without the option of a fine for a period not exceeding three months; and he shall further be liable, at or before the expiration of any period of imprisonment to which he is sentenced, to be removed from the Protectorate by warrant issued by or with the authority of the Administrator.

- (2) The burden of proving that a person has not entered the Protectorate in contravention of this Proclamation shall lie upon such person.

- (3) No appeal shall lie to any court in respect of any warrant of removal issued under this section.

4. No person whose entry into the Protectorate is prohibited under this Proclamation shall be entitled to obtain a licence to carry on any trade or calling therein or to acquire therein any interest in land whether leasehold or freehold or in any other immovable property.

Any such licence if obtained by such a person and any contract, deed or other document by which any such interest is acquired in contravention of this section shall be null and void *ab initio*.

5. No person whose entry into the Protectorate is prohibited under this Proclamation shall be exempt from the provisions thereof or be allowed to remain therein by reason only that he had not been informed that such entry was forbidden or by reason of the fact that he had been allowed to enter and remain in the Protectorate through oversight or misrepresentation or owing to the fact that his entry was undiscovered.

6. Martial Law Regulations 1, 5 and 6 are hereby repealed.

7. This Proclamation may be cited for all purposes as the Restrictions on Entry Proclamation 1920, and shall take effect on the first day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk, this 7th day of June, 1920.

E. H. L. GORGES,  
Administrator.

## Government Notices.

The following Government Notices are published for general information.

J. F. HERBST,

Secretary for the Protectorate.

Administrator's Office,  
Windhuk.

No. 45.]

[11th June, 1920.

The Administrator has under the powers in him vested by section *sixteen* of the Diseases of stock, Proclamation No. 28 of 1920, been pleased to issue the prohibitions, orders, and directions set out in the Schedule to this notice.

The particular paragraphs of the said section under which each such prohibition, order, or direction is issued is mentioned at the end of the prohibition, order, or direction.

The term "regulations" or "regulation" as used in these prohibitions, orders, and directions refers to the regulations made under the said Proclamation. Those regulations are published under Government Notice No. 46 of 1920. The term will also include any of those regulations as amended from time to time.

Any person who contravenes, disobeys, or fails to comply with any such prohibition, order, or direction will under section *twenty-one* of the said Proclamation be liable to the penalties in that section specified according to the circumstances therein described.

### SCHEDULE.

#### PROHIBITIONS, ORDERS, AND DIRECTIONS OF THE ADMINISTRATOR.

1. As soon as the owner of any stock discovers or suspects or has reasonable grounds for suspecting that any of his stock is infected with a disease he shall forthwith report the fact or suspicion in writing, in manner prescribed by regulation, to the officer in charge of the police at the seat of magistracy of the district in which the stock is, or in case of a sub-district, to the officer in charge of police at the place where the magistrate holds his court, or in case of scab in sheep and goats the report shall be made in manner prescribed by regulations.

As soon as the owner of any land discovers or suspects or has reasonable grounds for suspicion that any stock on that land is infected with any disease, he shall in like manner and to the like officer report the fact or suspicion.

If the disease be scab in sheep or goats, the owner shall further, within seven days of the discovery or suspicion, give notice of the fact or suspicion to all owners of land adjoining the property where the infected or suspected animal is.

(Issued under paragraph (j) of section *sixteen*).

2. All slaughter stock introduced into any part of the Protectorate, or being transported or travelling therein shall be branded, if the principal veterinary officer so requires, in the manner prescribed by regulation.

(Issued under paragraph (a) of section *sixteen*).

3. No stock shall be removed from any area which, under any law repealed by Proclamation No. 28 of 1920, was immediately prior to the commencement of that Proclamation an infected or suspected area, or into, or within any such area, except under such restrictions and upon such conditions as are prescribed by regulation in respect of that particular species of stock when in infected or suspected areas.

(Issued under paragraph (a) of section *sixteen*).

4. All stock within any area which immediately prior to the taking effect of Proclamation No. 28 of 1920, was an infected or suspected area under a law repealed by that Proclamation shall be inoculated, dipped, and branded in the circumstances and in the manner and at the times and periods prescribed by regulation in respect of the particular species of stock when in infected or suspected areas.

(Issued under paragraph (e) of section *sixteen*).

5. All kraals, sleeping places, pens, sheds, huts, vehicles, railway trucks and yards, which have been occupied by sheep or goats infected or suspected of being infected with scab shall be disinfected in a manner prescribed by the inspector or any other officer authorized thereto by the Administrator.

(Issued under paragraph (l) of section *sixteen*).

6. No person shall, without the written permit of the principal veterinary officer or of a person appointed by the Administrator to issue such permits, sell or purchase cattle in any area within the Protectorate declared under the Proclamation to be infected or suspected of being infected with East Coast fever.

(Issued under paragraph (k) of section *sixteen*).

7. No cattle shall under any circumstances be moved into, out of or through the territory known as Ovamboland, and no cattle shall be moved into, out of or through any of the Magisterial Districts of Outjo or Grootfontein except under such conditions as may be prescribed by the Principal Veterinary Officer.

(Issued under paragraph (a) of section *sixteen*).

No. 46.]

[11th June, 1920.

The Administrator has, under the powers in him vested by section *twenty-three* of the Diseases of Stock Proclamation No. 28 of 1920, been pleased to make the regulations set forth in the Schedule to this notice. Any person guilty of an offence against or contravention of any provision of such regulations or of a failure to comply with any such provision with which it is his duty to comply, or contravening or failing to comply with any order, permit, or document issued thereunder, will be liable, under section *twenty-one* of the Proclamation, on conviction, to the penalties prescribed by that section according to the circumstances therein described.

### SCHEDULE.

#### REGULATIONS.

##### *Preliminary.*

1. In these regulations, unless inconsistent with the context,

"the Proclamation" shall mean the Diseases of Stock Proclamation No. 28 of 1920;

"Government veterinary officer" shall, in any area in which there is no Government veterinary officer, mean an officer specially deputed by the Administrator to exercise any particular powers and to perform any particular duties of a Government veterinary officer under these regulations;

"Administrator's order" shall mean an order, prohibition, or direction issued by the Administrator under section *sixteen* of the Proclamation;

"East Coast fever area" shall mean an area the subject of the Administrator's order issued under section *sixteen* (a) of the Proclamation in respect of East Coast fever;

"Principal Veterinary Officer" shall mean the senior Veterinary Officer of the Protectorate, and shall, in any area where the Senior Veterinary Officer is unable to exercise the powers and perform the duties under these regulations, mean an officer generally or specially deputed by the Administrator to exercise any of those powers and perform any of those duties;

"Trypanozoonosis area" shall mean an area the subject of an Administrator's order issued under section *sixteen* (a) of the Proclamation in respect of trypanozoonosis;

and any expression to which, by and for the purposes of the Proclamation, a meaning has been assigned, shall, when used in these regulations, bear the same meaning.

## GENERAL REGULATIONS APPLICABLE TO ALL STOCK.

*Introduction of Stock.*

2. A permit for the introduction of stock into the Protectorate shall be in the following form:—

*Import Permit.*

..... is hereby authorized to introduce into the Protectorate at ..... the number and class of stock herein mentioned, and subject to the following conditions and restrictions:—

Number of stock .....  
Class of stock .....  
Conditions .....  
Restrictions .....

A special telegraphic permit may be issued in the following form:—

*Special Telegraphic Permit.*

From "Veterinary" ..... To .....  
This telegram is your authority to introduce into the Protectorate at ..... the following number and class of stock, and subject to the following conditions: .....

3. The Principal Veterinary Officer may make special arrangements for the introduction (otherwise than through a port of entry) into the Protectorate under permit, and subject to such conditions as he may think desirable, of

- (a) riding and draught stock engaged in *bona fide* transport work to and fro across any border;
- (b) farm stock proceeding for purposes of grazing, wintering, or summering from outside the Protectorate to land within the Protectorate when the owner of the stock is also the owner of that land;
- (c) stock to be introduced into the Protectorate for purposes of sale or for purposes of stocking;

but no such arrangements will be made or permit issued unless in each case the owner of the stock satisfies the Principal Veterinary Officer that

- (i) the stock are healthy;
- (ii) the stock have not come from or through a place which is infected or suspected of being infected with any disease to which they are susceptible or which they can convey;
- (iii) the stock will not, for purposes of their introduction into the Protectorate, pass through any such suspected or infected place.

The permit may be issued so as to be in force only for a period mentioned and in respect of a particular number and class of stock described therein.

The permit may be at any time cancelled by or on the authority of the Principal Veterinary Officer. It shall be a condition of the permit that any expense incurred by the department in connection with the examination of the stock shall be defrayed by the holder thereof.

Any person who, in connection with any application for such a permit, makes a statement false in any material particular knowing it to be false shall be guilty of an offence against these regulations.

Any person introducing any stock into the Protectorate without a permit, or in contravention of the terms of any permit aforesaid, will be guilty of a contravention of sections *three* or *four* of the Proclamation, as the case may be.

Any police officer, police constable, or officer of the department, or the owner or occupier of any land upon which such stock are found, may seize and detain any stock believed to have been unlawfully introduced into the Protectorate till such time as he is instructed as to its disposal by the Principal Veterinary Officer or any other officer authorized thereto by the Administrator.

4. The particulars to accompany every application for a permit to introduce stock into the Protectorate, shall be

- (a) the number and class of stock;
- (b) the country and locality from which the stock came;
- (c) the object of introduction;
- (d) the immediate destination of the stock within the Protectorate;
- (e) such further particulars as in any particular case the Principal Veterinary Officer may require.

5. No person shall transport or cause or permit to be transported by rail within the Protectorate

- (a) stock infected with a disease;
- (b) stock which he has ground for suspecting has been in contact with infected stock;

unless the Principal Veterinary Officer has made arrangements with the railway administration or other railway authority in respect of the transport.

A permit for the transport of any such stock by rail shall be necessary, and shall be obtained from the Principal Veterinary Officer. Such a permit shall be in Form A in the annexure to these regulations as nearly as circumstances permit.

6. The manner in which slaughter stock introduced into or travelling within the Protectorate shall be branded when, in accordance with the Administrator's order, the Principal Veterinary Officer so requires, shall be with an "S" and an arrow.

7. No person shall introduce into the Protectorate any hides, skins, or horns from any part of Africa, except under a permit issued by an officer of the department, in accordance with the instructions of the Principal Veterinary Officer, unless such hides, skins, or horns have been previously dried or cured.

8. Whenever a Government Veterinary Officer has received a report, or has otherwise ascertained the existence or suspicion of disease amongst any stock, he may call upon the owner to render him reasonable assistance in order to enable him to examine or test any suspected animal as to its freedom from disease, and may give the owner of the stock and the owner of the land on which the stock is such instructions, either personally or in writing, as he thinks best calculated to treat the disease successfully and to prevent its spread. Such instructions shall supersede any instructions given by any person under sub-section (2) of section *nine* of the Proclamation, and shall have effect till such time as they are withdrawn or altered by the Government veterinary officer, the Principal Veterinary Officer, or Administrator.

9. A Government veterinary officer or a veterinary surgeon specially authorized thereto by the Administrator may, subject to the provisions of section *sixteen* (d) of the Proclamation in the case of stock infected or suspected of being infected with disease, cause one or more of the stock to be destroyed for the purpose of making a post-mortem examination thereof in order to determine the nature of the disease, and may make such an examination and may require the owner thereof to render him reasonable assistance to enable him to do so.

10. Stray stock found on any piece of land may, if infected or suspected of being infected with disease, be taken charge of by the police and isolated by them on that piece of land. The place where the stock are so isolated shall, for the time being, but in respect of that stock only, be deemed a special isolation pound established under section *fifteen* (3) of the Proclamation.

Every police station or police post outside a town or village shall also be deemed to be a special isolation pound established under the said section, and to such a pound any stock whatever which are infected or suspected of being infected with disease may, on the authority of a Government veterinary officer, be removed and may be detained therein.

Carcasses of stray stock which are found to be infected with disease shall be buried or otherwise disposed of by the police in accordance with the instructions of the Government veterinary officer.

11. Any person other than a Government veterinary officer or a person specially authorized thereto by a Government veterinary officer who removes or attempts to remove any portion of the carcass of an animal infected or suspected of being infected with any of the following diseases, that is to say, anthrax, rinderpest, foot-and-mouth disease, swine fever, glanders, epizootic lymphangitis, sheep-pox, and rabies, or who uncovers or attempts to uncover the carcass of an animal which has been buried because it is infected or is suspected of being infected with any such disease, shall be guilty of an offence against these regulations.

12. It shall be an offence against these regulations for the owner of any animal which has died from any disease mentioned in regulation *eleven* or for a municipal officer

or any person to whom the owner has handed over the carcass of such an animal for burial or destruction to cut into or cause or permit such carcass to be cut into or any portion thereof to be taken away except by a Government veterinary officer or a person specially authorized thereto by a Government veterinary officer, provided that it shall be lawful for the owner or any person authorized by him to cut into such a carcass for the purpose of making a blood meal.

13. It shall be the duty of the person in charge of

- (a) any public market;
- (b) any private sale yard;
- (c) any auction yard;

in which stock have been confined, to cause such market or yard, together with any structures or enclosures used in connection therewith, to be cleansed and disinfected at the close of each day during which they have been used.

14. It shall be the duty of the person in charge of any pens, railway trucks, or market premises used for the accommodation of stock to cause such pens, trucks, or premises to be cleansed before they are again so used in the manner following, i.e.

- (a) to be swept out and, as far as possible, scraped;
- (b) to be thoroughly washed and scrubbed with water;
- (c) to be sprayed throughout with a disinfectant of the strength of 5 per cent. solution of carbolic acid; and
- (d) if the Principal Veterinary Officer so order to be subsequently lime-washed.

15. Every written report made under Administrator's order as to the discovery or suspicion of disease shall be sent by registered post to the officer in charge of police at the place where the magistrate's court is held, or shall be delivered to that officer by hand or to such other officer in districts in which such an officer has been specially authorized by the Administrator to receive such reports, and the said officer shall transmit a copy of the report to the Government veterinary officer and the Principal Veterinary Officer.

Provided that if any person making the report hand it to a Government veterinary officer, stock inspector, or a commissioned or non-commissioned officer of police and has obtained from him a receipt therefor (which it shall be the duty of the veterinary officer, stock inspector, or police officer to give), such person shall, on production of the said receipt, be deemed to have duly reported to the officer of police to whom, under this regulation, the report is required to be made;

Provided further that if the person reporting be unable to write, he may report verbally, and the officer receiving the report shall there and then take the same down in writing, read it over to the person reporting, and require him in his presence to place his mark thereto, and thereupon the report so reduced to writing shall be deemed to be the written report required by the Administrator's order.

Every person receiving a report under the provisions of this regulation and giving such a receipt may, at his discretion, visit and examine the infected or suspected animals, and may serve upon the owner a written notice declaring any defined area of land upon which the infected or suspected stock are running to be a suspected area, and shall, on that notice, give such instructions for the isolation of the infected or suspected stock as he may consider necessary, transmitting a copy of the declaration and instructions, together with the report, to the officer in charge of police aforesaid, and shall transmit copies of the declaration, instructions, and report to the Government veterinary officer and Principal Veterinary Officer.

Nothing in this regulation contained shall apply to reports as to the discovery or suspicion of scab in sheep or goats, but reports in respect thereof shall be as provided by the special regulations relating to scab, herein after set forth.

16. Whenever it comes to the knowledge of a Government veterinary officer that any animal which has died or been slaughtered was infected or suspected of being infected with a disease he shall, if possible, examine the carcass or the viscera thereof as the circumstances require, and for the purpose of making this examination the owner shall render him all reasonable assistance.

17. In magisterial districts in which there is no veterinary officer, the officer in charge of police, on receipt of a report of a suspected-outbreak of any proclaimed disease,

and after obtaining special authority from the Principal Veterinary Officer, shall proceed to the scene of the outbreak and discharge the duties of a Government veterinary officer till such time as relieved by a Government veterinary officer or until the authority of the Principal Veterinary Officer is withdrawn.

#### SPECIAL REGULATIONS FOR PARTICULAR DISEASE.

##### *Anthrax.*

18. The following provisions shall apply in the case of anthrax:—

- (a) an owner or a person in charge of an animal suffering from anthrax shall not permit any other person to have access to such animal unless he be a person whose access to the animal is necessary for the proper care thereof or a person entitled under these regulations or by Administrator's order to examine the animal.
- (b) When an animal has died, or is suspected of having died, of anthrax, the owner or person in charge of the carcass shall cause the same to be properly burned, or, if burning be impossible, shall cause the carcass to be buried intact and the burial place to be enclosed in such a way as to prevent stock from grazing over it.
- (c) Any person who has been in contact with the excreta, discharges, or any portion of an animal which has died, or is suspected of having died, of anthrax, shall use the best available means of disinfecting his person and apparel.
- (d) The person in charge of an animal suffering from anthrax shall cause all excreta, litter, and discharge whatsoever therefrom to be buried or burned, and the place where such excretions or discharges have lain to be properly disinfected.
- (e) It shall be the duty of the owner or person in charge of an animal which has been in contact with an animal affected with anthrax to cause or permit such animal to be inoculated in the discretion of the Principal Veterinary Officer if that officer so require.

##### *Tuberculosis.*

19. The following provisions shall apply in the case of tuberculosis, and the powers and duties therein conferred or imposed shall be, in addition to the powers and duties conferred or imposed by sub-section (2) of section ten of the Proclamation:—

- (a) Every person having in his possession or under his charge
  - (1) any cow which is, or appears to be, suffering from tuberculosis of the udder, undurated udder, or other chronic disease of the udder;
  - (2) any bovine animal which is, or appears to be, suffering from tuberculosis,
 shall notify the authorities in the manner prescribed in section fifteen of these regulations, and shall keep the infected or suspected animal isolated as far as practicable from other bovine animals till such time as it has been examined by a Government veterinary officer and further instructions have been given him as to its disposal by the examining officer.
- (b) No person shall import into the Protectorate any tuberculin except under the written authority of the Principal Veterinary Officer or of the Medical Officer to the Administration, who shall deal with applications emanating from medical practitioners.
- (c) No person shall sell or otherwise dispose of any tuberculin except under the authority of the Principal Veterinary Officer unless the tuberculin is sold by an authorized importer to a registered medical practitioner or to a registered chemist, who may sell or dispense the same for the treatment of human beings to a registered medical practitioner or on the prescription of such a practitioner.
- (d) (1) No person, except a registered medical practitioner or an authorized importer, a registered chemist, a Government veterinary officer, or a veterinary surgeon authorized thereto by the Principal Veterinary Officer shall have in his possession and no person other than a Government veterinary officer or a veterinary surgeon

- authorized thereto by the Principal Veterinary Officer shall use any tuberculin for the purpose of testing any class of stock.
- (2) In the event of any animal being found to be suffering from tuberculosis or to have reacted to the tuberculin test such animal may be destroyed by the Government veterinary officer in accordance with instructions received from the Principal Veterinary Officer, or he may have the infected animal branded with a T and crown and numbered and give the owner a permit to keep it under such conditions as he may see fit to impose with a view to slaughtering it within a period fixed by him, or till such time as the permit is withdrawn.
- (3) If any owner decides to isolate an infected animal under permit it shall be an offence against these regulations for any such owner to move, permit, or cause such animal to be moved or to be sold or otherwise disposed of without the special written permission of the Principal Veterinary Officer, who may impose such conditions as he may consider desirable regarding the movement or sale.
- (4) If any infected animal be moved without the permission aforementioned, or if it be allowed to stray, it may be summarily destroyed by order of the Administrator or, if the conditions of any permit to keep an infected animal be departed from the Principal Veterinary Officer may withdraw such permit and order the animal to be destroyed.
- (e) It shall be the duty of every officer and veterinary surgeon to report the result of any tuberculin test performed by him within forty-eight hours of the completion thereof to the Government veterinary officer of the district, or, if there be no such officer, to the Principal Veterinary Officer.
- (f) It shall be the duty of the person in charge of the carcass of an animal infected with tuberculosis to cause such parts of the carcass and viscera as the Government veterinary officer may prescribe to be buried or otherwise destroyed.
- (g) No person shall use or dispose of, or cause, or permit to be used or disposed of, the milk of cows suffering from tuberculosis of the udder or which is suffering from tuberculosis with emaciation unless the milk has been boiled.
- (h) It shall be the duty of every person who discovers the presence of tubercle bacilli in milk to report the matter without delay to the Principal Veterinary Officer in order that steps may be taken to locate the infected animal from which the milk was taken.
- (i) No person shall use, or cause, or permit to be used, any stall, shed, or place which has been occupied by an animal affected with tuberculosis for any other animal until the said stall, shed, or place has been properly disinfected to the satisfaction of a Government veterinary officer.
- East Coast Fever.*
20. The following provisions shall apply in the case of East Coast fever, and in this regulation "infected area" shall mean an area declared under the Proclamation to be infected with East Coast fever:
- (a) As soon as East Coast fever has broken out on any land or premises the said land or premises shall be declared to be an infected area in accordance with the provisions of the Proclamation.
- (b) No person shall, except upon the instructions or with the permission of the Principal Veterinary Officer, move, permit, or cause to be moved any cattle within an infected area. The Principal Veterinary Officer may cause any cattle in such an area to be branded with an R and crown brand, and may subsequently cancel the brand.
- (c) The Government veterinary officer may, at his discretion, direct that the cattle running within any infected area shall be moved to, kept in, or confined by the owner to any specified portion thereof when this is considered desirable or necessary to prevent the spread of disease.
- (d) No person shall remove, permit or cause to be moved the hoofs or hides of cattle or any portion thereof from an infected area unless the same have been disinfected to the satisfaction of the Government veterinary officer; and not even in that case except upon the authority of a permit issued by the Government veterinary officer or the magistrate; and no person shall move any hoofs, hides, or portions of hides within an infected area except upon the authority of a like permit.
- (e) No person shall move, permit, or cause to be moved from an infected area grass, grass-hay, moss, or other vegetable matter (other than cultivated plants and cuttings), or animal manure, except under the written permission of the Government veterinary officer or of any other officer authorized thereto by the department.
- (f) No person shall move, permit, or cause to be moved any cattle from or into any infected area unless the movement has been authorized by the Principal Veterinary Officer, and then only under such conditions as he may impose.
- (g) If any cattle within an infected area be slaughtered or die, the owner thereof shall immediately report the occurrence to the Government veterinary officer or at the nearest police station or police post, or to the magistrate, who shall transmit the report to the Government veterinary officer. The provisions of Regulation No. 15 shall *mutatis mutandis*, and as far as applicable, be incorporated in this paragraph.
- (h) If any cattle stray from or into any infected area, or if any cattle are moved into or from such an area without the necessary permit prescribed for such a movement, and such cattle cannot be secured or isolated in such manner as to prevent the spread of disease, the Administrator may, at his discretion, order such cattle to be destroyed.
- (i) It shall be the duty of every owner or, in his absence, of any person taking charge of his cattle in an infected area to take the following precautions as to his cattle therein:
- (1) If the cattle are confined in a fenced enclosure he shall take all necessary steps to prevent them leaving such enclosure.
- (2) If the cattle are not in a fenced enclosure he shall provide efficient and sufficient herds to prevent the cattle straying out of the infected area or from any portion thereof from which they may not be moved without a permit, or from any portion thereof to which they have been confined by written order of the Government veterinary officer.
- (j) No person shall move, permit, or cause to be moved any cattle from or to any property adjoining an infected area unless under a permit issued by the Principal Veterinary Officer or by the magistrate on the express authority of the Principal Veterinary Officer, and subject to such conditions as he may impose.
- (k) Any person who, in or in connection with any application for a permit to move any cattle from, into, or within an infected area or any property adjoining an infected area, makes a statement false in any material particular knowing it to be false, shall be guilty of an offence.
- (l) No person shall slaughter any cattle in any infected area without the written permission of a Government veterinary officer.
21. The following provisions shall apply in respect of any East Coast fever area with regard to which an Administrator's order has been published:—
- (a) No person shall move, permit, or cause to be moved any cattle within any such area from any property to any other property except under the authority of a permit obtained from the Principal Veterinary Officer or from the magistrate, and the magistrate shall, whenever possible, before issuing the permit consult the Government veterinary officer and act in accordance with his recommendation in respect of the issue of the permit.

- (b) No person shall move, permit, or cause to be moved any cattle into, out of, or through any such area except under the authority of a permit from the Principal Veterinary Officer and subject to such conditions as he may impose.
  - (c) The Principal Veterinary Officer may order or cause any cattle moved from any such area to be branded with a distinctive brand when he considers it desirable to do so.
  - (d) The owner of cattle in any such area shall immediately report any case of illness or death of any cattle from any cause whatever to the magistrate, Government veterinary officer, or at the nearest police station or police post. The provisions of Regulation No. 15 shall *mutatis mutandis*, and as far as applicable, be incorporated in this paragraph.
  - (e) No person shall move, permit, or cause to be moved from or within an East Coast fever area grass, grass-hay, moss, or other vegetable matter (other than cultivated plants or cuttings), or animal manure, except under the written permission of the Government veterinary officer or an officer authorized there- to by the Government veterinary officer.
  - (f) The magistrate of any district or division shall, in accordance with directions received by him from the Administrator, arrange for the taking of a census of the cattle in his district or division or in any portion thereof in which, after consultation with the Principal Veterinary Officer, it is considered desirable to do so, and shall keep a register of such cattle. Every owner in any area in which the census is being taken shall furnish, on demand, full details of his cattle to any authorized registration officer appointed by the magistrate. Any person failing, on demand, to comply with any provisions of these regulations shall be guilty of an offence. Every owner of cattle in the area in which the census is being taken shall at all reasonable times after the registration of his cattle produce such cattle to any registration officer for inspection and comparison with the register. It shall be unlawful for any person, whether an owner of cattle or otherwise, to slaughter any cattle within the census area except with the written permission granted by, and on application to, the registration officer, and issued by the authority of the magistrate on the recommendation of the Government veterinary officer. Any permit issued for the slaughter of cattle shall, as far as possible, contain a description of the animal or animals regarding which it is issued.
  - (g) It shall be the duty of every owner or, in his absence, of any person taking charge of his cattle within an East Coast fever area to take the following precautions as to his cattle therein:—
    - (1) If the cattle are confined in a fenced enclosure he shall take all necessary steps to prevent them leaving such enclosure.
    - (2) If the cattle are not in a fenced enclosure he shall provide efficient and sufficient herds to prevent the cattle straying out of any area from which they may not be moved without a permit, or from any portion of such East Coast fever area to which they have been confined by written order of the Government veterinary officer.
22. The permit granted for the movement of any cattle in any East Coast fever area or an infected area must in every instance accompany the cattle which are moved, and must be produced for inspection on demand when the holder is requested to do so by any stock owner or Government officer.
23. Any person obtaining a permit for the movement of any cattle in an East Coast fever area or an infected area shall be bound, if he makes use of the same, to comply with the conditions under which it is issued.
24. No permit shall be issued for any movement of cattle referred to in any of the preceding regulations relating to East Coast fever unless the issuing officer has received a general authority to do so from the Principal Veterinary Officer.
25. Any person who, in or in connection with any application for any permit required under these regulations, makes any false statement knowing it to be false, shall be guilty of an offence.

26. No person shall issue any permit for any movement of cattle into or through any area infected, or suspected of being infected, with East Coast fever (whether declared as infected or suspected under the Proclamation or declared to be an East Coast fever area or an area within which movements of cattle are prohibited by Administrator's order) unless he has received a general authority to do so from an officer having power to grant such authority.

27. The permits for the removal of cattle into, out of, through, or within an infected area or East Coast fever area shall be, as far as practicable, in Forms B, C, or E in the Annexure hereto, according to the circumstances and place of removal.

28. No person shall use any material taken from any cattle or the carcasses of any cattle infected or suspected of being infected with East Coast fever for the purpose of inoculating any animal unless he has received written authority from the Administrator.

29. Any person who, in any district of the Protectorate, falsely pretends that he is able to inoculate or has inoculated cattle for East Coast fever, or that he will supply or has supplied material for inoculation of cattle against East Coast fever, shall be guilty of an offence against these regulations.

30. When any person is found removing or causing to be removed, or to have removed, or to have caused to be removed, any cattle from any East Coast fever area to a place outside any such area, or from a place outside such an area to a place within such area, without the requisite permit, or when any person fails to produce the requisite permit to remove cattle, or if cattle be found straying in any such area, the loss of which has not been previously reported to the police, or the ownership of which has not been declared within forty-eight hours, then any magistrate, police officer, or constable, or any officer of the department, may seize and detain any such cattle and take the same to a place of isolation, and shall thereupon report all the circumstances to the Principal Veterinary Officer.

31. If within the limits of any town or town lands any area be an infected area no cattle shall be kept within such limits except under the following conditions:—

- (a) That they be kept within a stable or an enclosed piece of ground approved by the Government veterinary officer.
- (b) That the grass or bush from the said area be not supplied to the animals as food and litter.
- (c) That the deaths of any such cattle be immediately reported to the magistrate.
- (d) That in the case of cattle allowed to be kept in an enclosed piece of ground which is not a stable or yard, the said cattle shall, in the event of East Coast fever breaking out amongst them, be immediately slaughtered, or, at the discretion of the Administrator, dipped or sprayed at such intervals and in such manner as he may prescribe, or, if he approve, be conveyed under supervision of the Government veterinary officer to a stable.
- (e) That in the event of East Coast fever breaking out amongst stabled animals no manure, litter, or carcass shall be removed until the same has been disinfected or dressed to the satisfaction of the Government veterinary officer.

32. The conditions prescribed in regulation *thirty-one* shall not apply to the case of cattle grazing on infected town lands which are properly enclosed and provided with a dipping tank, where the municipal authorities take such steps for the regular dipping and segregation of the cattle as may be prescribed by the Government veterinary officer.

33. (i) The owner of any cattle in any magisterial division or district or any part of a magisterial division or district within the Protectorate in which dipping or spraying of cattle has been ordered by the Administrator under paragraph (e) of section sixteen of the Proclamation shall dip or spray all such cattle at such intervals in accordance with the said Administrator's order in or with an effective tick-destroying liquid, the activity whereof shall not be less than that of the arsenical solution prescribed below, and the relative strength whereof shall vary in accordance with the intervals between dippings:—

For thirty or fourteen day dipping:  
 12 lb. arsenite of soda (80 per cent. arsenious oxide) to every 400 gallons of water.

For ten, seven, or five day dipping:

8 lb. arsenite of soda (80 per cent. arsenious oxide) to every 400 gallons of water.

For three day dipping:

4 lb. arsenite of soda (80 per cent. arsenious oxide) to every 400 gallons of water.

(ii) Whenever any such Administrator's order is issued requiring the regular compulsory dipping or spraying of cattle in any specified area as aforesaid in a thirty or fourteen day dip, or a ten, seven, or five day dip, or in a three day dip, the cattle within the said area shall be dipped or sprayed at intervals of thirty or fourteen days, of ten, seven, or five days, or of three days in a dip or spray of a strength not less than that prescribed in the last preceding regulation.

(iii) Any such dipping shall be carried out in any tank which may be constructed in terms of any Administrator's order issued under the provisions of section sixteen (p) of the said Proclamation or which has been approved by the magistrate or any stock inspector or Government veterinary officer, or which, in the opinion of any of the said officers, is suitable for the purpose.

(iv) Any such spraying shall be carried out by means of any spraying machine which has been approved of by any of the officers in the last preceding regulation mentioned, or which, in the opinion of any of the said officers, is suitable for the purpose.

(v) Whenever any stock is required to be disinfected by clipping or hand-dressing, the tails of the said stock shall be clipped and the ears and tails hand-dressed at such times, in such manner, and with such preparation as the Government veterinary officer or stock inspector may prescribe by order in writing given to the owner of the stock, or, where the dipping tank is situate upon a commonage or is used only for the dipping of cattle of natives in native territories, then to the person in charge of that tank.

(vi) In any case in which inclemency of the weather or the general conditions of the stock in any area in which three, five, or seven day compulsory dipping has been ordered by the Administrator renders it inexpedient to dip the cattle at the prescribed interval, the magistrate of the district may, with the concurrence of the Principal Veterinary Officer, extend the interval to fourteen days or any longer period decided upon, by putting up a notice to that effect on the notice board at the district court-house, in which case the said stock shall be dipped at such extended intervals as have been notified as aforesaid. The said officers may, in like manner, cancel or withdraw the extension when it is deemed desirable to do so.

(vii) Whenever an owner is of opinion that any individual animal in an area in which dipping or spraying has been ordered by the Administrator cannot by reason of debility or illness be safely dipped or sprayed, he may apply to the magistrate for exemption in writing, and the magistrate may, on the concurrence of the Government veterinary officer, grant such exemption for such period and subject to such conditions as the Government veterinary officer may recommend.

34. A Government veterinary officer, police constable, stock inspector, East Coast fever officer, or other duly authorized officer, shall have the right to visit and inspect any tank in which cattle are being dipped, and to take a sample of the dip therein for purposes of test.

35. It shall be an offence against these regulations for any owner upon whom a dipping order has been served, or who is required by any regulation or order to dip his cattle to use for this purpose any dip which is under the strength prescribed by the Administrator or by these regulations.

36. No person shall introduce into the Protectorate

- (a) grass, grass-hay, moss, or other vegetable, or animal manure, grown or produced in any country or territory in which East Coast fever exists, whether the same be used as packing for any article or thing, or otherwise; or
- (b) any hides unaccompanied by a certificate under the hand of the Principal Veterinary Officer of any such country or territory stating that such hides have been disinfected in a satisfactory manner;
- (c) any carcasses of cattle or portion or viscera thereof from any area outside of the Protectorate in which East Coast fever exists, save under such conditions as the Principal Veterinary Officer of the Protec-

torate may decide after consultation with the Administrator.

37. Nothing in these regulations respecting East Coast fever shall apply to any cattle passing direct by rail through an infected or suspected area, East Coast fever area, or area otherwise the subject of an Administrator's order, made under section sixteen (a) of the Proclamation, provided such cattle are not detained in any such area.

#### *Foot-and-Mouth Disease.*

38. The following provisions shall apply in the case of foot-and-mouth disease:—

- (a) No animals, with the exception of those passing through by rail from without, shall be moved into or from an area declared an infected area on account of foot-and-mouth disease unless the person in charge has written permission to do so from the Principal Veterinary Officer.
- (b) A person in charge of animals affected or suspected of being affected with foot-and-mouth disease shall not allow any other person to have access to such animals except such persons whose access is necessary for the proper care and treatment of such animals or officers acting under the powers of the Proclamation or these regulations.
- (c) No person who has been in contact with the animals affected with or suspected of being affected with foot-and-mouth disease shall approach other animals or shall leave the place wherein the animals are confined until his hands and boots, and if boots are not worn, his feet have been thoroughly disinfected.
- (d) No person shall move, cause, or permit to be moved animals (other than horses, asses, and mules) which have been in contact with any part of an animal which has died from foot-and-mouth disease, or with the excretions of animals affected or suspected of being affected with foot-and-mouth disease to leave the land or premises without permission from the Principal Veterinary Officer and under conditions imposed by him.
- (e) No person shall move, cause, or permit to be moved horses, asses, and mules from any land or premises in which foot-and-mouth disease is known or suspected to have existed, within fifteen days after the suspicion or existence of the disease is reported, unless all reasonable precautions have been taken to disinfect them.
- (f) All cattle, sheep, goats, and pigs which have been in contact with animals suffering from foot-and-mouth disease, and all cattle, sheep, goats, and pigs which are suspected of having been in contact with animals suffering from foot-and-mouth disease, shall be isolated by the person in charge thereof for such a time and in such a manner as the Principal Veterinary Officer may prescribe.
- (g) No person shall move, or cause, or permit to be moved milk, unless boiled or sterilised, from any place or premises where foot-and-mouth disease is known to exist or suspected to exist.
- (h) No person shall move, or cause, or permit to be moved manure or litter from animals suffering from or suspected to be suffering from foot-and-mouth disease, or any grass, grass-hay, or fodder from an area declared infected or suspected of being infected with such disease unless it has been disinfected to the satisfaction of the Principal Veterinary Officer.
- (i) No person shall move, or cause, or permit to be moved the hides, hoofs, or horns of cattle, sheep, or goats from an area declared infected with foot-and-mouth disease unless the same have been disinfected to the satisfaction of the Government Veterinary Officer.

#### *Lung-sickness or Pleuro-Pneumonia.*

39. The following provisions shall apply in the case of lung-sickness or pleuro-pneumonia, and the powers and duties therein conferred or imposed will be in addition to those conferred or imposed under sub-section (3) of section ten of the Proclamation:—

- (a) All cattle which have been in contact with, or which there is reason to believe have been in contact with, any cattle suffering or suspected of suffering from lung-sickness shall be isolated by the person in charge thereof and shall not be released until after they have been inoculated to the satisfaction of the Principal Veterinary Officer if he considers inoculation necessary. Such inoculated cattle shall remain in isolation until three months have elapsed since the last infected head of cattle was removed from the herd, or, if the Principal Veterinary Officer so determine, for a period of not more than three months since the date upon which they were inoculated.
- (b) No person shall sell or dispose of for food the carcasses of animals which have been slaughtered on account of lung-sickness until the affected organs and tissues have been destroyed, nor unless the condition of the flesh be in accordance with the law or regulations or bye-laws relating to public health for the time being in force as to meat inspection.

*Rinderpest or Cattle Plague.*

40. The following provisions shall apply in the case of rinderpest:—

- (a) No cattle, with the exception of those passing through by rail from without, shall be moved to, within, or from an area declared infected with rinderpest unless the person in charge has written permission from the Principal Veterinary Officer to do so.
- (b) No person shall have access or permit other persons to have access to stock affected with or suspected of being affected with rinderpest, except the persons whose access is necessary for the proper care of such animals or officers acting under the powers of the Proclamation or these regulations.
- (c) No person who has been in contact with the animals affected or suspected of being affected with rinderpest shall approach other cattle, or shall leave the place until his boots (or, if boots are not worn, his feet) have been properly disinfected.
- (d) No person shall move, cause, or permit to be moved from the property any stock (except horses, asses or mules) which have been in contact with any part of an animal which has died of rinderpest; or with the excretions of animals affected with or suspected of being affected with rinderpest, without the permission of the Principal Veterinary Officer and under conditions imposed by him.
- (e) No person shall move, cause, or permit to be moved from any property any horse, ass, or mule which has been in contact with any part of an animal which has died of rinderpest, or is suspected of having died of rinderpest, or any horse, ass, or mule which has been in contact with cattle suffering from this disease, or with the excretions of such animals, until the hoofs have been properly washed with disinfectant.
- (f) All cattle which have been, or which are suspected of having been, in contact with animals suffering from rinderpest shall be isolated and inoculated in a manner prescribed by the Administrator.
- (g) No person, without permission from the Administrator, shall knowingly bring the bile, the blood, the flesh, the milk, the hides, or the excretions of animals suffering from or suspected to be suffering from rinderpest in contact with other cattle for any purpose whatever, or shall remove, cause, or permit to be moved, such substance from an area declared infected or suspected of being infected with rinderpest.
- (h) The period of isolation shall be not less than fourteen days after the death, slaughter, or recovery of all the infected animals, and may be continued longer on the order of an officer if this regulation has not been complied with in every respect.
- (i) No person shall move, or cause, or permit to be moved the hides, hoofs, or horns of cattle from an infected or suspected area unless the same have been disinfected to the satisfaction of the Government veterinary officer.

- (j) No person shall move, or cause, or permit to be moved manure or litter from animals suffering from or suspected to be suffering from rinderpest, or any grass, grass-hay, or fodder out of an infected or suspected area, unless it has been disinfected to the satisfaction of the Government veterinary officer.

*Swine Fever and Swine Erysipelas.*

41. The following provisions shall apply in the case of swine fever and swine erysipelas:—

- (a) No person shall move, or cause, or permit to be moved swine (except those passing through by rail) out of an area declared infected with swine fever or swine erysipelas unless the person in charge has written permission from the Principal Veterinary Officer so to do.
- (b) No person shall allow any other person to have access to swine affected or suspected of being affected with swine fever or swine erysipelas unless it be a person whose access is necessary for the proper care and treatment of such swine, or an officer acting under the powers of the Proclamation or these regulations.
- (c) No person who has been in contact with swine affected with or suspected of being affected with swine fever or swine erysipelas shall approach other swine, or shall leave the place until his hands and boots (or in the case where boots were not worn, his feet) have been properly disinfected.
- (d) It shall be the duty of the person in charge of swine which, within a period of thirty days, have been in contact with other swine suffering from swine fever or swine erysipelas to isolate the same for such a time and in such a manner as the Government veterinary officer may prescribe, and to keep the same in isolation for not less than thirty days after the slaughter or death of the last affected animal, and for such longer period as the Government veterinary officer may prescribe if the disinfecting be not carried out to his satisfaction.
- (e) No person shall move, or cause, or permit to be moved manure or litter from swine suffering from or suspected to be suffering from swine fever or swine erysipelas from an infected or suspected area unless it has been treated to the satisfaction of the Government veterinary officer.

*Contagious Abortion.*

42. The following regulations shall apply in the case of contagious abortion:—

- (a) In the case of an outbreak of contagious abortion occurring amongst stock all infected animals shall be isolated and treated in a manner prescribed by the Principal Veterinary Officer.
- (b) No person shall sell or otherwise dispose of any animal which is infected with contagious abortion unless it be shown that the purchaser has received written notification of the animal's condition at the time of sale, and the seller has obtained written permission to sell the animal from the Government veterinary officer.

*Mange in Equines.*

43. The following provisions shall apply to mange in horses, asses, and mules, herein after referred to as equines:—

- (a) The owner or person in charge of an equine affected with mange shall isolate the same to the satisfaction of the Government veterinary officer and shall carry out any course of treatment which he may prescribe.
- (b) If in the opinion of the Government veterinary officer the affected animal is incurable, he may, if specially deputed thereto by the Administrator, order or cause the said animal to be slaughtered with the assistance of the police if necessary.
- (c) No person shall permit, or cause any equine to enter a stall which is occupied by an animal suffering from mange or any equine to enter a stall which has been occupied by an animal suffering from mange until that stall has been properly disinfected.

- (d) Neither the owner nor any person in charge of an equine suffering from mange shall take the same or allow the same to be taken into any stable or place used for equines other than his own.
- (e) No person shall use in connection with any other equine any litter or harness or stable articles whatsoever which have been directly or indirectly in contact with any equine suffering from mange until the same have been properly disinfected. If in the opinion of the Government veterinary officer disinfection be impossible, he may order the litter, harness, or articles to be buried or burned.

*Epizootic and Ulcerative Lymphangitis.*

44. The following provisions shall apply in the case of epizootic and ulcerative lymphangitis:—

- (a) It shall be the duty of the owner or person in charge of any animal affected with epizootic or ulcerative lymphangitis to isolate the same to the satisfaction of the Government veterinary officer, who may, if he consider it desirable, permit treatment to be carried out in respect of such animal.
- (b) If in the opinion of the Government veterinary officer the affected animal is incurable, he may, if specially deputed thereto by the Administrator, order or cause the said animal to be slaughtered, with the assistance of the police if necessary.
- (c) No person shall permit or cause any equine to enter a stall which is or has been occupied by an animal suffering from ulcerative or epizootic lymphangitis or until that stall has been properly disinfected.
- (d) No owner or person in charge of an equine suffering from epizootic or ulcerative lymphangitis shall take such animal or allow such animal to be taken into any stable or place used for equines other than his own.
- (e) No person shall use in connection with any other equine any litter or harness or stable articles whatsoever which have been directly or indirectly in contact with any animal suffering from epizootic or ulcerative lymphangitis until the same have been properly disinfected. If in the opinion of the Government veterinary officer disinfecting is impossible, he may order the litter, harness, or articles to be buried or burned.
- (f) Equines which have been in contact with equines suffering from epizootic or ulcerative lymphangitis may be dealt with as the Government veterinary officer may direct.

*Trypanozoonosis.*

45. The following provisions shall apply in the case of animal trypanozoonosis:—

- (a) No person shall permit to be moved or to stray from or into or within a trypanozoonosis area, any horses, mules, donkeys, cattle, sheep, goats, or dogs, whether the same are or are not infected with disease.
- (b) Horses, mules, donkeys, cattle, sheep, goats, or dogs not affected with disease may be removed from or introduced into or moved within any such area upon written permission previously obtained from the magistrate concerned, the issue of which shall be subject in each case to the approval of the Government veterinary officer or his deputy, and to such conditions as may be imposed and embodied in the said permit.

*Rabies.*

46. The following provisions shall apply in the case of rabies:—

- (a) It shall be the duty of the owner or person in charge of any animal affected or suspected of being affected with rabies to cause the same to be destroyed forthwith.
- (b) Any animal which has been bitten or suspected of having been bitten by a rabid animal, if not destroyed, may, with the approval of the Government Veterinary Officer, be secured in a place of isolation and kept under observation for a period of six

months, and shall be examined and reported upon by an authorized officer of the Department at least once in every thirty days.

- (c) The carcasses of animals that have died from rabies or that have been destroyed on account of rabies shall be burned or buried by the owner or person in charge.

*Glanders and Farcy.*

47. The following provisions shall apply in the case of glanders or farcy, and the powers and duties therein conferred or imposed will be in addition to the powers and duties conferred or imposed by sub-section (1) of section ten of the Proclamation:—

- (a) The Principal Veterinary Officer or any Government veterinary officer deputed by the Administrator to carry out the provisions of the said section may call in the assistance of the police, who shall, on written instructions from him, carry out the said powers and duties.
- (b) No person shall cause or permit an equine to enter or leave a stable or building or to occupy a stable or building which is occupied by an animal showing symptoms of glanders or farcy, or reacting to the mallein test until the affected or reacting animal has been removed and the said stable or building has been disinfected to the satisfaction of the Government veterinary officer.
- (c) No person shall import mallein without the authority of the Principal Veterinary Officer, or otherwise dispose of, or be found in possession of, or inject any animal with mallein unless he has been authorised thereto by the Principal Veterinary Officer.
- (d) The owner or person in charge of any litter, harness, and stable articles which have been used in connection with any equine infected with the disease or which has reacted to mallein, shall destroy or bury or shall disinfect the same to the satisfaction of the Government veterinary officer if so required.

*Sheep-pox.*

48. The following provisions shall apply in the case of sheep-pox:—

- (a) It shall be the duty of the owner or persons in charge of animals infected or suspected to be infected with the disease to cause the carcasses to be burned or buried as directed by the Principal Veterinary Officer.
- (b) It shall be the duty of the owner or person in charge of any stable, kraal, premises, place, vehicle, or railway truck that has been occupied by sheep suffering from sheep-pox to disinfect the same to the satisfaction of the Principal Veterinary Officer.
- (c) Every person who has been in contact with sheep infected or suspected to be infected with sheep-pox shall immediately disinfect himself.
- (d) Any area declared infected or suspected to be infected with sheep-pox shall remain in quarantine for at least six months if not declared by the Administrator before the expiration of the period to be a clean area.
- (e) No person shall move, or cause, or permit to be removed any manure or litter from animals suffering or suspected to be suffering from sheep-pox, or any grass, grass-hay, or fodder from the infected or suspected area unless it has been disinfected to the satisfaction of the Principal Veterinary Officer.
- (f) No person shall move, or cause, or permit to be removed any skins, hair, mohair, or wool from an area infected or suspected of being infected with sheep-pox unless such skins, hair, mohair, or wool has been properly disinfected to the satisfaction of the Principal Veterinary Officer.

ANNEXURE.

(This permit is issued subject to Cancellation.)

FORM A.

This portion of the permit to be detached by the station master of the station at which the cattle are entrained

and forwarded to the Principal Veterinary Officer, Windhuk, immediately the trucking of the consignment is completed.

Station Master,

This is your authority to permit of the entraining of ..... cattle in the Protectorate for carriage to .....

Permission is hereby granted to ..... of ..... to entrain ..... head of cattle at ..... Station for carriage to ..... Station, in the Protectorate.

Principal Veterinary Officer.

Windhuk, .....

(This permit is issued subject to Cancellation.)

This portion of the permit to be attached to the way-bill and accompany the cattle.

Permission is hereby granted to ..... of ..... to rail ..... head of cattle from ..... Station, on the border of ..... to ..... Station, in the District of ..... in the ..... thence by direct public road, avoiding all quarantine areas, to .....

This permit is available for ..... days, and may be withdrawn at any time. It is issued subject to the condition that the cattle cannot be again removed from ..... without a further permit or until the quarantine restrictions have been removed.

Principal Veterinary Officer.

Windhuk, .....

FORM B.

Cattle Removal Permit No. ....

Mr. .... residing at No. .... is hereby authorized to travel with ..... cattle within ..... District.

Issued to ..... Available for forty days from date of issue.

This permit, which may be withdrawn at any time, must be carried by the person in charge of the cattle for production when required, is not available for any movement of cattle from across or to any farm placed under quarantine for any scheduled disease of cattle, and may only be issued to bona-fide residents within the district by persons authorized to do so by the Administrator in those districts or wards in which its use has been approved by that officer.

Signed ..... Issuing Officer.

Issuing Officer Date of Issue .....

FORM C.

(This permit is issued subject to Cancellation.)

Permit to Remove Cattle.

From the District of ..... to the District of .....

Permission is hereby granted to ..... to move with ..... head of cattle from the farm ..... in the ..... District, to the farm ..... in the District of .....

This permit, which may be withdrawn at any time, is issued subject to the condition that the cattle cannot again be moved from ..... and must be carried by the person in charge of the cattle for production when required, without a further permit; or until the quarantine restrictions have been removed.

Available for ..... days.

Route: Direct public road, avoiding all quarantined areas, via .....

Principal Veterinary Officer.

Windhuk, .....

FORM E.

(This permit is issued subject to Cancellation.)

Permit.

To move to and fro with cattle between the District of ..... and the District of .....

Permission is hereby granted to ..... to move to and fro with ..... head of cattle between the farm ..... in the ..... District, and the farm ..... in the District of .....

This permit is available for ..... days, and must be carried by the person in charge of the cattle for production when required.

Route: Direct public road, avoiding all quarantined areas, via .....

Principal Veterinary Officer.

Windhuk, .....

No. 47.] [11th June, 1920.

The Administrator has under the powers in him vested by section four of the Diseases of Stock Proclamation No. 28 of 1920 declared the Bechuanaland Protectorate and Angola to be territories wherefrom cattle will not be allowed to enter this Protectorate.

No. 48.] [11th June, 1920.

The Administrator has under the powers in him vested by sub-section (1) of section three of the Diseases of Stock Proclamation No. 28 of 1920 been pleased to declare that the places mentioned in the Schedule to this Notice shall be ports of entry for stock, subject to the provisions of any Government Notice or regulations issued under the said Proclamation prohibiting the entry into the Protectorate of any stock from any country, colony or territory; save as in sub-section (2) of the said section is provided introduction of stock into the Protectorate is only permitted through any such port of entry.

SCHEDULE.

Walvis Bay, Luderitzbucht, Nakop and Raman's Drift.

No. 49.] [11th June, 1920.

ADMINISTRATOR'S ORDER.

The Administrator has under the powers in him vested by section sixteen of the Diseases of Stock Proclamation

No. 28 of 1920 been pleased to issue the order set out in the schedule to this notice.

The particular paragraph of the said section under which such order is issued is mentioned at the end of the order.

The term "regulations" or "regulation" as used in the order refers to the regulations made under the said Proclamation and published under Government Notice No. 50 of 1920. The term will also include any of those regulations as amended from time to time or any subsequent regulations issued in respect of scab under the said Proclamation.

The said order shall have force and effect and come into operation from the date of publication in the *Gazette*.

Any person who contravenes, disobeys, or fails to comply with the order set forth in the schedule hereto will, under section *twenty-one* of the said Proclamation, be liable, on conviction, to the penalties in that section, specified according to the circumstances therein described.

#### SCHEDULE.

##### DIPPING TANKS.

1. Every registered owner of (a) any area of land (not being an erf or stand) held by any person under separate grant, deed of transfer, certificate of title, or (b) any area of land held under lease, licence or allotment from the Crown, with an option to purchase such area, provided the instrument of lease, licence or allotment is registered in the Deeds Registry, on which at the date of the taking effect of this order no dipping tanks or appliances suitable for the proper dipping of sheep or goats exist shall forthwith commence and complete without delay the construction of such tanks and kraals, and provide such appliances on that farm or portion of a farm at his own expense as may be prescribed by the department.

Such tanks and kraals shall be deemed to be prescribed by the service on the owner of the holding of a written notice signed by the sheep inspector of the area directing attention to this order accompanied by specifications of the work to be constructed.

And any person becoming the owner at any time after the taking effect of this order of any farm or portion of a farm on which no such tanks and appliances exist shall within three months of his becoming such owner construct such suitable dipping tanks and appliances thereon as aforesaid; provided that

- (a) in case any person be the owner and occupier of two or more contiguous farms or portions of farms, the provision of one dipping tank only for dipping of the sheep or goats on those farms or portions of farms may be regarded by the department as a sufficient compliance with the order;
- (b) where any farm is held under undivided title by two or more persons, the provision of one dipping tank only for the use of the joint owners shall be sufficient compliance with the order;
- (c) where any portion of any farm is occupied separately by a lessee, licensee, or person otherwise entitled, the provision of a dipping tank by the registered owner, who is himself in occupation of the remainder of the said farm for the use of himself and the said lessee, licensee, or person otherwise entitled, shall, if the consent of the department be first obtained, be sufficient compliance with the order;
- (d) where the owners of two or more farms which are contiguous to each other are willing to enter into a mutual agreement for the joint use of a tank, and where the aggregate extent of such farms does not exceed three thousand hectares, or such greater extent as the Administrator may in particular cases determine, the provision of one tank shall be a sufficient compliance with the order;

provided, further, that any owner of land not possessing sheep or goats or allowing any sheep or goats to graze on that land shall be exempt from the requirements of this order.

2. Every local authority being an owner of land in or near any town or village shall, unless a suitable sheep dipping tank and appliances conveniently situate are available, complete within three months of the date of

publication of this order such tanks and provide such appliances at its own expense as may be prescribed by the department for use by the public.

Every local authority thereafter established who shall become the owner of land aforesaid shall in like circumstances complete such tanks and provide such appliances as aforesaid within three months after becoming the owner of that land.

Nothing in this order contained shall be deemed to affect any penalty incurred in respect of any offence committed in contravention of Administrator's Order.

[Issued under paragraph (p) of section *sixteen*.]

No. 50.

11th June, 1920.

#### SCAB REGULATIONS.

The Administrator has under the powers in him vested by section *twenty-three* of the Diseases of Stock Proclamation No. 28 of 1920 been pleased to make the regulations set forth in the schedule to this notice for the better prevention of the diseases known as Scab.

Any person guilty of an offence against or contravention of any provision of such regulations or of failure to comply with any such provision with which it is his duty to comply, or contravening or failing to comply with any order, permit, or document issued thereunder, will, on conviction, if no penalty be specially provided, be liable, under section *twenty-one* of the Proclamation, to the penalties prescribed by that section, according to the circumstances therein described.

#### SCHEDULE.

##### REPEAL OF REGULATIONS.

1. These regulations shall have force and effect and come into operation from the date of publication in the *Gazette* and thereupon all existing regulations shall be and are hereby repealed.

##### DEFINITIONS.

2. In these regulations, and any subsequent regulations issued in respect of scab, unless inconsistent with the context—

- "the Proclamation" shall mean the Diseases of Stock Proclamation No. 28 of 1920;
- "Administrator's Order" shall mean an order, prohibition, or direction issued by the Administrator under section *sixteen* of the Proclamation;
- "inspector of sheep" or "inspector" shall mean any officer appointed by the Administrator to give effect to these regulations;
- "authorized officer" shall mean an officer authorized by the department to carry out these regulations;
- "scab" shall mean a disease in the case of sheep caused by the mites known as the *Sarcoptes scabiei*, variety Ovis; *Psoroptes communis*, variety Ovis; and in the case of goats by the mites known as the *Sarcoptes scabiei*, variety Caprae; *Psoroptes communis*, variety Caprae; and *Chorioptes symbiotes communis*, variety Caprae;
- "sheep" shall also mean goats;
- "infected sheep" shall mean—
  - (a) any sheep infected with scab;
  - (b) any sheep forming part of a flock in which there are sheep so infected;
  - (c) any sheep which, within six weeks, have been in contact with any infected sheep or have been intermixed with any flock of scab infected sheep;
  - (d) any sheep which are being depastured on the same grazing ground as any scab infected sheep, or upon ground upon which any scab infected sheep have within a period of six weeks previously been depastured;

(e) any sheep which have been kept or confined in any kraal, sleeping place, or other premises in which infected sheep have been kept and which has not subsequently been declared by an officer to be free from infection;

“authorized dip” shall mean — Amended by G.F. 93

“Approved dip” shall mean —

(a) Home-made lime-sulphur prepared according to commendation of the department, and commercial lin sulphur or soda-sulphur concentrates sold under directions such that when diluted for use the tank strength corresponds to not less than 1.5 per cent “sulphic sulphur”.

The following registered dips fall within this class:—

“Capex Sulphur-lime Sheep Dip (Reg. No. 24/c/25), Kynoch & McDougall’s Lime-sulphur Dip (Reg. No. 115), Little’s Concentrated Sulphur Dip (Reg. No. 106), Volks Lime and Sulphur Dip.

(b) Arsenic sulphur dips individually approved by the Administration. These include “Cooper’s Double Dipping Powder.”

places where sheep are kept or all manufacturing poles, brushwood, and other combustible material (which in the opinion of an officer are liable to harbour or retain infection), and the burning within such kraals, sleeping places, sheds, or other premises, of inflammable material, in sufficient quantities to ensure the destruction of all mites and not the actual demolition by fire of permanent structures;

“native area” shall mean so much of any scheduled native area as may be so declared by the Administrator by order given under section sixteen, sub-section (a), of the Proclamation for the purposes of that sub-section; and such other areas comprising any native reserve, or location (other than a municipal location), mission station, or farm property owned or occupied by natives which may be so declared as aforesaid;

“isolation area” shall mean any area declared by Administrator’s order, issued under section sixteen (a) of the Proclamation, to be an isolation area for the purpose of these regulations;

“protected area” shall mean any area, declared by Administrator’s order, issued under section sixteen (a) of the Proclamation, by reason of the freedom from scab therein to be a protected area for the purpose of these regulations;

“semi-protected area” shall mean any area, declared by Administrator’s order, issued under section sixteen (a) of the Proclamation, by reason of the partial freedom from scab therein to be a semi-protected area for the purpose of these regulations;

“restricted area” shall mean any area, declared by Administrator’s order, issued under section sixteen (a) of the Proclamation, to be a restricted area for the purpose of these regulations.

Any expression to which by and for the purpose of the Proclamation a meaning has been assigned shall when used in these regulations bear the same meaning.

#### BRANDING OF SMALL STOCK.

3. Whenever in accordance with an Administrator’s order or otherwise under the Proclamation or regulations, sheep are required to be branded such brands shall be in tattoo oil or other substance approved by the inspector and for the purpose of these regulations in manner set forth in Regulation No. 31 (2) (c), or in such other manner as may be directed by Administrator’s order or regulation.

#### DISINFECTION OF INFECTED PREMISES.

4. Whenever any sheep or goats are required to be dipped all kraals, sleeping places, pens, sheds, huts, vehicles, yards, and other premises, which have been occupied by such sheep or goats, shall be rendered non-infectious by disinfection, burning, or enclosure by the owner as the inspector may instruct and to his satisfaction in accordance with the regulations. Such disinfection, burning, or

enclosure shall take place between the first and second dipping, or if only one dipping is required, within ten days after this dipping. Should the inspector instruct that such premises be enclosed, all sheep and goats must be excluded therefrom until in his opinion there is no danger of reinfection.

#### DUTY OF INSPECTOR IF OWNER FAILS TO CLEANSE INFECTED PREMISES.

5. If any owner fails to comply with any instruction given by the inspector under Regulation No. 4, the inspector or authorized officer shall cause the infected premises to be disinfected, burned, or enclosed at the expense of the owner, and the costs of any such operation shall be recoverable from the owner in any competent court at the suit of the Administrator.

#### DISINFECTION OF MARKETS AND RAILWAY PREMISES.

6. The person in charge of—

- (a) any public market;
- (b) any private sale yard;
- (c) any auction yard;
- (d) any railway pen or enclosure;

in which sheep or goats have been confined shall cause such market or yard, together with any structures or enclosures used in connection therewith, to be cleansed and disinfected in manner prescribed by Regulation No. 8 at the close of each day during which they have been used.

#### DISINFECTION OF RAILWAY TRUCKS.

7. The person in charge of any railway truck which has been used for the conveyance of any sheep or goats shall cause the same to be cleansed and disinfected in manner prescribed by Regulation No. 8 before it is again used for that purpose.

#### METHOD OF CLEANSING INFECTED PREMISES.

8. Whenever by these regulations any person is required by Regulations Nos. 6 and 7 to cleanse and disinfect any pens, railway trucks, market premises, sale yards, or auction yards, or other places in which sheep have been confined, that person shall cause the same to be—

- (a) sprayed throughout with a disinfectant of the strength of five per cent. solution of carbolic acid;
- (b) swept out and as far as possible scraped;
- (c) thoroughly washed and scrubbed with water; and
- (d) subsequently limewashed.

#### POWERS AND DUTIES OF INSPECTORS AND DUTIES OF STOCK OWNERS.

9. (1) Every inspector or authorized officer shall have power at any time to inspect any sheep within any district or area for which he shall have been appointed, wherever such sheep may be kept, driven, or depastured, and shall have exercise and discharge within any such district or area the several powers, authorities, and duties hereinafter mentioned.

(2) It shall be the duty of every owner of sheep on the visit of any inspector or authorized officer to co-operate with him in the examination or other testing or treatment of all sheep of which he is the owner, and to that end the following provisions shall apply:—

- (a) If any owner of sheep, on demand made by the inspector or authorized officer—
  - (i) refuse or fail forthwith to render reasonable assistance in connection with the inspection or dipping of the sheep; or
  - (ii) refuse or fail to collect his flocks at some convenient place on their pasturage or at their kraals; or
  - (iii) conceal any of the sheep or negligently fail to produce all the sheep for inspection or dipping; or
  - (iv) fail to provide any necessary dipping materials or utensils required by the inspector or authorized officer;
 such owner shall be guilty of an offence.

(b) Upon receipt of notice from the inspector or authorized officer of his intention to visit any native reserve, mission station, location, or farm occupied by natives for the purpose of examining or dipping sheep, it shall be the duty of the headman or other person in charge of such reserve, mission station, location, or farm to warn all owners of sheep within such reserve, mission station, location, or farm of the date on which such examination or dipping will take place, and of the place where such sheep are to be assembled; and it shall be the duty of all such owners to bring such flocks to the place appointed by the inspector or authorized officer in order that they may be examined or dipped; and any owner of sheep failing to attend with his flock at the time and place appointed shall be guilty of an offence against these regulations.

(c) It shall be the duty of every headman within any native area to take all proper precautions to prevent the unauthorized removal of any sheep awaiting inspection and to secure due compliance by all owners in such area with the provisions of these regulations.

(3) It shall be the duty of the inspector, at the end of each month, to furnish to the magistrate or magistrates within whose district or districts the inspector's area lies a complete list of all scab infected properties within the said area.

Amended  
S.G.N.  
1/1/25  
“(4) If, for any cause whatsoever, sheep are required to be dipped under these regulations, and the owner of the sheep on being required thereto by the inspector or authorized officer, shall refuse or fail to supply the necessary dipping material and/or assistance for the dipping of such sheep, it shall be lawful for the inspector or authorized officer personally to undertake the dipping of such sheep, and for this purpose to purchase the required dipping material and hire such assistance as may be required. All expenses reasonably incurred by him in connection with such dipping and in the carrying out of such regulations shall be repayable by the owner to the Administration and shall be recoverable as a debt due to the Administration.”

shall in every case take place within not less than eight nor more than ten days after the date of the first dipping.

Provided that—

- (i) in case sheep kept or depastured beyond the limits of any native area have been free from scab for a period of not less than twelve months immediately preceding the period fixed for compulsory dipping the inspector may by writing under his hand exempt the owner thereof from the provisions of this regulation;
- (ii) in case sheep kept or depastured within the limits of any native area have been free from scab for a period of not less than twelve months preceding the period fixed for compulsory dipping the inspector may by writing under his hand allow the owner thereof to dip them once only within such compulsory dipping period.

(b) During a period of compulsory dipping no person shall remove or cause or permit to be removed any sheep from any farm, holding, location, reserve, commonage, or other place within any area in which such dipping is proceeding; except—

- (i) after such sheep have been dipped twice or once (as the case may be) as prescribed by paragraph (a) of this regulation; or
- (ii) such sheep have been exempted from dipping under the provisions of the said paragraph; or
- (iii) upon the authority of a written permit from an inspector which may be granted to enable such sheep to be removed to a dipping tank for the purpose of being dipped.

(c) During any such period no person shall remove or cause or permit to be removed any sheep into any area in which such dipping is proceeding except under a permit from the inspector of the area from which such sheep are moved and by a route named in the permit.

(d) Any dipping in accordance with the provisions of this regulation shall be carried out under the supervision of the inspector or authorized officer when so ordered by him.

#### METHOD OF REPORTING THE OUTBREAK OF SCAB.

11. Whenever any sheep or goat upon any land has become infected with scab or is suspected of being so infected, the owner of such sheep or goat [as required by sub-section (2) of section *nine* of the Proclamation] shall forthwith report the fact or the suspicion in writing to the local sheep inspector in manner prescribed by this regulation.

As soon as the owner of any land discovers that any sheep or goat upon that land is infected with scab or is suspected of being so infected he shall in like manner and to the like officer report the fact.

Every written report made to the inspector as to the presence or suspicion of scab shall be delivered personally or sent by registered post to the inspector, and the inspector, or his authorized representative, shall issue a receipt therefor.

Every headman within any native area (as defined in the regulations) shall forthwith report to the inspector any outbreak or suspected outbreak of scab occurring within the limits of such native area which may come to his knowledge.

Provided that if any person making the report hand it to any postmaster, police officer or constable, postal agent, or any other officer of the Government specially appointed to receive the same, for transmission to the inspector and has obtained from him a receipt therefor (which it shall be the duty of the postmaster, police officer, constable, postal agent, or other officer to give), such person shall, on production of the said receipt, be deemed to have duly reported to the sheep inspector to whom, under this section, the report is required to be made.

Provided further, that if the person reporting be unable to write he may report verbally to any of the persons mentioned in this regulation, and the officer receiving the report shall there and then take the same down in writing, read it over to the person reporting, and require him, in his presence, to place his mark thereto, and thereupon the report so reduced to writing shall be deemed to be the written report required by this regulation, and the officer shall issue a written acknowledgment therefor.

#### DUTY OF OWNER WHEN FLOCK BECOMES INFECTED OR IS SUSPECTED OF BEING INFECTED.

12. (1) Whenever any sheep in any flock not in a protected or semi-protected area has become infected with scab or is suspected of being infected the owner thereof after reporting the same as in Regulation No. 11 required, shall proceed forthwith to cause the whole of the infected flock to be dipped; provided that if the outbreak or suspected outbreak of scab occur in the winter and by reason of the inclemency of the weather it is impracticable or dangerous to dip all such sheep forthwith the owner shall forthwith dip all visibly infected sheep, and thereafter from day to day all sheep which become visibly infected until such time as the dipping of the whole flock required in terms of Regulation No. 14 is commenced.

(2) In the case of sheep in a protected or semi-protected area no dipping for any cause whatsoever shall be allowed without the permission of the inspector obtained on request from the owner; provided that if the dipping is necessary on account of scab and the inspector does not visit the flock within seven days of the date of the report required by Regulation No. 11, it shall be the duty of the owner to personally dip the flock once, and the inspector on arrival shall administer two further dippings as prescribed by Regulation No. 14. Provided, further, that if the outbreak of scab occur in the winter and by reason of the inclemency of the weather it is impracticable or dangerous to dip the whole flock, the owner must dip all animals that are visibly infected and await the arrival of the inspector. Such dipping by the owner shall commence within seven days of the date of the report aforesaid, and shall be continued from time to time as the sheep show infection.

PROHIBITION OF HAND-DRESSING.

13. Whenever under the Proclamation or regulations or any Administrator's order it is the duty of any person to dip any sheep, such treatment shall consist in the immersion of the sheep in the dipping mixture, and the hand-dressing of the sheep in lieu of such dipping is prohibited.

DUTY OF INSPECTOR ON BECOMING AWARE OF INFECTION.

14. Except in protected or semi-protected areas where the cleansing shall be attended to by the inspector personally in manner prescribed in Regulation No. 12, the inspector upon becoming aware of the existence of scab shall, unless he be satisfied that the sheep have been effectively cleansed, serve upon the owner an order in writing to isolate the sheep and to cleanse them in the following manner:—

namely, the period allowed for the completion of the cleansing shall be thirty days, and the owner of the infected sheep shall dip the same for a period of not less than two minutes once within seven days of the date on which the order to cleanse was issued, and again within from eight to ten days of the date of the first dipping.

Provided that—

- (i) if, owing to the fact that the sheep are heavy in lamb when the cleansing order is issued, it be deemed impracticable to dip them with safety within the time specified in the order to cleanse; or
- (ii) if, owing to the inclemency of the weather it be deemed impracticable to dip the sheep within the time specified in the order to cleanse; or
- (iii) in the case of woolled sheep in order that the same may be shorn previous to dipping;

the time within which the first dippings must be completed as in this regulation prescribed may, upon application to the inspector, be extended by him on condition that the owner shall forthwith dip all visibly infected sheep, and thereafter from day to day all sheep which become visibly infected until the extended period expires, and that the total period allowed for cleansing shall not thereby be exceeded.

PENALTY IF OWNERS FAIL TO CLEANSE THEIR STOCK.

15. If at the expiration of the thirty days prescribed by Regulation No. 14 the owner has failed to dip the sheep as aforesaid, or has failed in any other manner to comply with the terms of the said regulation or any order made thereunder, or if the sheep are found to be still infected with scab, he shall be liable on conviction to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months; provided that in the event of an owner cleansing his flock before the expiration of the period allowed in the order such sheep may forthwith be liberated from isolation by an inspector.

IF OWNER FAILS, INSPECTOR SHALL CLEANSE INFECTED STOCK.

16. If at the expiration of the thirty days aforesaid the sheep placed under order are found to be still infected with scab, the inspector or authorised officer shall personally undertake the cleansing of the said sheep, and all reasonable expenses incurred by him in connection with such cleansing shall be recoverable from the owner in any competent court at the suit of the Administrator.

INSPECTOR MAY PERSONALLY UNDERTAKE CLEANSING OF INFECTED STOCK.

17. Notwithstanding anything to the contrary in these regulations contained, it shall be lawful for any inspector or authorised officer in his discretion forthwith to take any infected sheep wherever they may be and to cleanse them, and to cause all kraals, sleeping places, sheds, or other premises in which infected sheep have been to be disinfected by burning, disinfection, or enclosure at the expense of the owner thereof.

18. From and after the date of publication of these regulations, provided lime and sulphur are procurable and available at the spot, all infected sheep dipped by an inspector must be dipped in the authorized dip. If the authorized dip is not procurable, then it shall be the duty of the owner forthwith to dip in some other dip, and if the inspector supervises such dipping on behalf of the owner, such dipping shall be at the owner's risk, and the Administration will not be responsible or liable for compensation for any loss arising from such dipping.

If within twelve months from the date of any dipping as in the last paragraph referred to scab should again develop amongst the flocks so dipped, the inspector shall, whenever possible, personally undertake the cleansing thereof, and shall only use the authorized dip, which he shall procure at the owner's expense if the latter fails to do so. If it is impossible for the inspector personally to undertake the dipping he shall direct the owner to do so.

It shall further be lawful for any inspector or authorised officer in his discretion to dip any infected sheep three times at an interval of from eight to ten days between the dippings at the expense of the owner.

MOVEMENTS OF CLEAN STOCK.

19. Subject to the provisions of paragraphs (b) and (c) of Regulation No. 10 and of Regulations Nos. 20 to 33 inclusive, movements of sheep which are free from scab may take place without the written or other permission of an inspector or authorised officer being obtained, but in case of prosecution the onus of proving that the accused person did not suspect or had not reasonable grounds for suspecting that any such sheep were infected when the movement commenced will, in accordance with section *twenty-two* (1) of the Proclamation, lie upon him.

NOTIFICATION OF MOVEMENTS OF STOCK TO BE MADE TO INSPECTORS.

20. It shall not be lawful for any person to move any sheep from the area under control of one inspector to the area under control of another inspector until such time as he has given notice either in person or in writing to the latter inspector of his intention so to do;

Provided that nothing in this regulation contained shall apply to movements governed by Regulation No. 10 and Regulations Nos. 22 to 33 inclusive, and to sheep travelling by train to any area under the control of an inspector if due notice be given to the inspector at their ultimate destination.

MOVEMENTS OF SHEEP INTO PROTECTED AND SEMI-PROTECTED AREAS.

21. No sheep shall be moved into a protected or semi-protected area unless the following conditions have been complied with:—

- (1) All sheep moved into such protected or semi-protected area shall be twice dipped in manner prescribed by these regulations within a period of ten days under the supervision of an inspector at the place and at the time set forth in the permit described in paragraph (2) hereof; provided that this regulation shall not apply to sheep moved from one protected area into an adjoining protected area or from one semi-protected area into an adjoining semi-protected area;
- (2) a permit in the form set forth in the first Schedule to these regulations shall have been obtained from the inspector in the area who, under the regulations, holds periodical inspections of sheep on the farm on to which the sheep are to be moved stating when and where the dippings prescribed in paragraph (1) hereof shall be given. Such permits shall only be issued by the above-mentioned inspector.
  - (a) on receipt of a written application from the owner of the sheep in respect of which such a permit is required, made in the form prescribed in the Second Schedule to these regulations, supported by a written guarantee from such

owner that the sheep are free from scab and have not been in contact or intermixed with infected sheep nor depastured on infected land within six weeks immediately prior to the date of the application; and

- (b) on the following information being furnished by the person making application for such permit:
- (i) the name and address of owner of sheep;
  - (ii) the number of sheep;
  - (iii) when and where he wishes to dip his sheep and whether he is authorised and entitled to dip his sheep at the place or places mentioned;
  - (iv) over which farm on the border of and being in the protected or semi-protected area the sheep will be moved, or, in the case of sheep to be moved by rail, the station in the above-mentioned area to which the sheep will be consigned; and
  - (v) the destination of the sheep.

The responsibility for seeing that the sheep are clean and remain clean shall rest with the owner.

An inspector of a protected or semi-protected area shall refuse to issue a permit if in his opinion the place at which the applicant desires to dip his sheep is unsuitable or too far distant from the proposed place of entry on the border of such protected or semi-protected area or the guarantee given by the owner is unsatisfactory.

- (3) In the case of sheep moved by rail into a protected or semi-protected area the permit prescribed in paragraph (2) hereof shall be obtained from the inspector who, under the regulations, holds periodical inspections of sheep at the station to which the sheep are to be consigned.
- (4) Sheep which have been entered for exhibition or competition at an agricultural show in a protected or semi-protected area will be exempted from the dippings prescribed by paragraph (1) hereof; provided they are free from scab and are accompanied by a permit [issued in terms of paragraph (2) hereof, except that the dipping of such sheep shall be dispensed with] and that they leave the area forthwith after the show.
- (5) No permit shall be required for the removal of sheep by rail through a protected or semi-protected area unless such sheep are detained within any such area for any other purpose than that of being watered.

#### MOVEMENTS WITHIN PROTECTED AREA OR FROM PROTECTED AREA TO ADJOINING PROTECTED OR SEMI-PROTECTED AREA.

22. The movement of sheep which are free from scab within a protected area or from one protected area into an adjoining protected area or semi-protected area or from a protected area into any area which has not been declared either a protected or semi-protected area shall be governed by Regulations Nos. 19 and 20.

#### MOVEMENTS FROM PROTECTED AREA TO NON-CONTIGUOUS PROTECTED OR SEMI-PROTECTED AREA.

23. Sheep removed from one protected area into another protected or semi-protected area (not being contiguous to one another) shall be exempted from the two dippings prescribed in Regulation No. 21 (1) hereof on condition that they are moved by rail without being detained *en route* (except for watering purposes) and are accompanied by a permit [issued in terms of Regulation No. 21 (2) hereof, except that the dippings may be dispensed with], but if the sheep are moved otherwise than by rail the conditions set forth in paragraphs (1) and (2) of Regulation No. 21 shall apply.

#### MOVEMENTS FROM SEMI-PROTECTED AREA INTO PROTECTED AREA.

24. The movements of sheep from a semi-protected area into a protected area shall be governed by the conditions set forth in Regulation No. 21 hereof or by such other conditions as the Administrator may impose.

#### MOVEMENTS WITHIN OR FROM SEMI-PROTECTED AREA.

25. The movement of sheep within a semi-protected area or from one semi-protected area into an adjoining semi-protected area or from a semi-protected area into any area which has not been declared protected or semi-protected shall be governed by Regulations Nos. 19 and 20.

#### MOVEMENTS FROM SEMI-PROTECTED AREA TO NON-CONTIGUOUS SEMI-PROTECTED AREA.

26. Sheep removed from one semi-protected area into another semi-protected area (not being areas contiguous to one another) shall be exempted from the dippings prescribed in paragraph (1) of Regulation No. 21 hereof when the sheep are moved by rail without being detained *en route* (except for watering purposes), and are accompanied by a permit [issued in terms of paragraph (2) of Regulation No. 21 hereof, except that the dippings shall be dispensed with], but if the sheep are moved otherwise than by rail the conditions set forth in paragraphs (1) and (2) of Regulation No. 21 hereof shall apply.

#### SHEEP IMPROPERLY INTRODUCED INTO PROTECTED AREA MAY BE EJECTED.

27. If any sheep are introduced into a protected or semi-protected area in contravention of the provisions of these regulations, or if the conditions of any permit or other document have not been complied with, an inspector or authorised officer shall have the right to stop the further forward movement of the sheep concerned and to order their return across the border of the said area, and, in addition, the owner of such sheep shall be liable to any penalty which may be imposed for contravention of these regulations.

#### INSPECTORS TO CONTROL THE DIPPING OF SHEEP WITHIN PROTECTED AND SEMI-PROTECTED AREAS.

28. Inspectors have sole control of the dipping of sheep for whatever cause within protected and semi-protected areas subject to the provisions of Regulation No. 12 (2).

#### ESTABLISHMENT OF PORTS OF EXIT FROM ISOLATION AREAS.

29. Whenever the Administrator shall by order issued under section *sixteen* (a) of the Proclamation, and published in the *Gazette*, declare any area to be an isolation area, he may at the same time or at any time thereafter prescribe the ports for the exit therefrom of sheep, and after such ports of exit have been so notified, any person who moves or causes to be moved from such isolation area any sheep whatever, except through a prescribed port of exit, shall be guilty of an offence.

#### MOVEMENTS INTO OR WITHIN ISOLATION AREAS.

30. Movements of sheep into or within any isolation area shall be governed by these regulations.

#### MOVEMENTS FROM ISOLATION AREAS.

31. No sheep shall be removed from an isolation area except on the following conditions:—

- (1) Such sheep shall be accompanied by a permit issued by the inspector, whose duty it is to hold periodical inspections of sheep on the farm which is on the border of and within such isolation area on which the second dipping hereafter prescribed has to be given, or, in the event of ports of exit being notified by the Administrator as aforesaid, then by the inspector in charge of such port of exit.
- (2) Such permit shall be issued on the following conditions:—
  - (a) That the sheep are free from scab.
  - (b) That they have been twice dipped by an inspector at the expense of the owner thereof in the authorized dip, and at the times and in the manner prescribed by the inspector, the first dipping to be given on the farm on which such sheep are kept and the second dipping to be given on a farm adjoining the

boundary of the isolation area by the inspector who holds periodical inspections of sheep on such border farm or by the inspector in charge of a port of exit, as the case may be.

- (c) That the sheep are accompanied by a certificate issued by the inspector who holds periodical inspections of sheep on the farm where they have been kept to the effect that they have been once dipped, and he shall at the same time brand the sheep with the letters "XI" at the expense of the owner. The said certificate shall likewise embody the following particulars:—
- (i) The name and address of the owner of the sheep.
  - (ii) The name and number of the farm from which it is desired to remove the sheep.
  - (iii) The name and number of the farm (being a farm adjoining the boundary of the isolation area) on which the owner of the sheep is authorized and entitled to have his flock dipped for the second time or the name of the port of exit, as the case may be.
  - (iv) the number of sheep concerned.
  - (v) The date when the first dipping is given.
  - (vi) The destination to which it is intended to remove the sheep.

- (3) Sheep from an isolation area shall not be moved into any protected or semi-protected area on any pretext whatever; provided that sheep from an isolation area travelling by rail direct through any protected or semi-protected area without being detained (except for watering) shall not be affected by this regulation.

#### MOVEMENTS WITHIN OR FROM RESTRICTED AREAS.

32. No person shall move or cause or permit to be moved any sheep whatsoever within or from any restricted area save under the authority of a written permit issued by the inspector within the restricted area from or within whose district such movement takes place, except during a compulsory dipping period when the provisions of Regulation No. 10 shall apply.

#### PERSON IN CHARGE OF STOCK WITHIN RESTRICTED AREAS REQUIRED TO PRODUCE PERMIT ON DEMAND.

33. It shall be a condition of every permit with regard to the movement of sheep within restricted areas under the authority of which any sheep may be travelling that the holder of such permit shall on demand produce and exhibit the same to any inspector, police officer, or constable, or owner of land over which the sheep may be travelling.

Any person who, when so required, fails to produce such permit shall be guilty of an offence, and such sheep may be impounded or detained by any such official or landowner at the risk and expense of the owner thereof until such time as inquiry regarding the movement of the said animals has been completed and instructions from a competent authority have been issued to the owner in that behalf.

#### PROHIBITION OF MOVEMENTS OF INFECTED STOCK.

34. No person shall drive, depasture, or rail, or suffer to stray from any place where they may be (or cause or permit or allow others so to do) any infected sheep whatsoever except upon the authority of a permit issued by the inspector or authorized officer, who may only grant a permit for movement by specified route within his own area or to an adjoining area after communication with the inspector of the same, which permit may be issued subject to such conditions as to dipping previous to removal or in course of removal as the inspector may deem necessary; provided that the holding of such permit shall not absolve the owner of such sheep from any claim which may be made against him for damages resulting from the movement of such sheep. Any such permit shall be for a period of not more than ten days, but may subsequently be extended for a further period by an inspector or authorized officer.

#### DETENTION AND EXAMINATION OF INFECTED STOCK.

35. Whenever any inspector shall become aware that any sheep are being moved in contravention of the proclamation or regulations, he shall give an order in writing to the owner that such animals as may be visibly infected shall be dipped forthwith and the whole flock driven to the nearest available dipping tank and there dipped once, and thereafter the Inspector may in his discretion by order in writing—

- (a) direct the owner to remove the sheep to a special isolation pound in case such exists within reasonable distance; or
- (b) direct the owner to return the sheep to the place from which they were illegally removed; or
- (c) allow the sheep to proceed to their intended destination.

The inspector shall further order that the sheep be dipped a second time within not less than eight nor more than ten days of the first dipping at a place specified in the order, and in each such case the order in writing shall be effective as a permit to enable the sheep to proceed to the destination named therein.

#### OUTBREAK OF SCAB IN TRAVELLING FLOCKS.

36. Notwithstanding anything in the last two preceding regulations, should scab make its appearance among any travelling sheep, which have not been infected when originally removed, the owner shall not be deemed guilty of an offence if he forthwith dip all visibly infected sheep, and at the same time give notice of the outbreak either personally or in writing to the nearest inspector and to the owners of land on which the sheep are, and then proceeds to the nearest available tank, where the sheep must be dipped. If the inspector does not make his appearance or issue written instructions, the owner of the sheep may then proceed to the next available tank and administer the second dipping within the prescribed period.

It shall be the duty of the owner to notify each inspector over or into whose area he moves his sheep. Should the owner fail to comply with any of these conditions he is guilty of an offence.

#### STRAY SHEEP TO BE DIPPED AND IMPOUNDED.

37. (1) The owner of any land who finds thereon any stray sheep infected or suspected of being infected with scab shall—

- (a) dip the same and isolate them on his land pending instructions from the sheep inspector, or, if there be a special isolation pound established in that behalf within twelve miles of the land the owner of the land may with the written consent of an officer, after dipping the sheep once, send the same to that pound where they must be isolated, and again be dipped by the poundmaster not earlier than eight and not more than ten days after the dipping.
- (b) If no inspector is available after reporting, it shall be the duty of the owner of the land to cleanse the sheep, and if a pound be established within twelve miles he shall send the sheep to such pound within fifteen days from their discovery. If the owner of the sheep cannot be discovered the Administrator shall be responsible for the cost of such cleansing.
- (c) If no pound be established within twelve miles the owner of the land shall forthwith cleanse the sheep, and inform the magistrate within fifteen days of their discovery of his intention to retain possession thereof pending the discovery of the owner, who will be held liable for all costs incurred and damage sustained.

(2) In case the sheep be sent to a special isolation pound if the owner be unknown by the time the sheep are declared free from scab, they shall be dealt with in accordance with the pound law in force in the locality as provided in section fifteen, sub-section (3) of the Proclamation.

PUBLIC ROADS.

38. For the purpose of these regulations a public road passing over a farm declared infected with scab shall be considered as a clean area, unless such road has been specially declared by an inspector on instructions from the department to be part of an infected area.

MAINTENANCE OF DIPPING TANKS.

39. Every owner of land who, in terms of any Administrator's order issued under section sixteen of the Proclamation, is required to possess a dipping tank and appliances for the dipping of sheep, shall also maintain the same in good order to the satisfaction of an officer of the department; and if any owner fails to comply with any directions given to him by an officer authorized thereto as to the repairs to be effected to any tank or appliances, he shall be guilty of an offence against these regulations and liable on conviction to a fine not exceeding fifty pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months, and such repairs may forthwith be carried out by the department and the costs thereof recovered from the person to whom such order was given.

40. The Principal Inspector of Sheep shall have the powers, duties, jurisdictions, and functions of an inspector within every area throughout the Protectorate.

FIRST SCHEDULE.

DISEASES OF STOCK PROCLAMATION, No. 28 OF 1920.

Permit to Remove Clean Sheep specified herein into a Protected Area and Order to Dip.

Owner.....  
 Address.....  
 In charge of.....  
 Proceeding from farm..... District.....  
 Proceeding to farm..... District.....  
 No. of sheep..... Brands.....  
 No. of goats..... Bar marks.....  
 First dipping to be given at..... on the  
 ..... day of..... 191..  
 Second dipping to be given within not less than eight nor  
 more than ten days from the date of dipping at.....  
 District.....  
 .....  
 Sheep Inspector.  
 Date.....  
 Area.....  
 District.....

NOTE.—This permit is issued subject to the conditions contained in the regulations published under Government Notice No. 50 of 1920.

It must be clearly understood that this permit has been issued on the written guarantee of the owner that the above-mentioned sheep are free from scab and subject to the conditions set forth in Regulation No. 21 published under Government Notice No. 50 of 1920.

If the sheep are found to be infected or to have been in contact with or intermixed with infected sheep or to have been depastured on scab-infected land within six weeks prior to date of application or since application was made, the owner will be liable to prosecution.

SECOND SCHEDULE.

Address.....  
 Date.....  
 Application for Permit by Owner.  
 I,..... of.....  
 do hereby apply for a permit for the removal of.....  
 sheep and..... goats from..... District  
 ..... to..... District.....

I declare the above sheep to be free from scab and that they have not been in contact or intermixed with infected sheep or depastured on land infected with scab within six weeks immediately prior to the above-mentioned date.

Signature of Owner.

No. 51.]

[11th June, 1920.

VALUATION OF IMMOVABLE PROPERTY WITHIN MUNICIPALITIES.

The Administrator has been pleased to make the following regulations under Sections 34 and 35 of the Municipal Proclamation, 1920 :—

1. The Administrator shall appoint one or more valuers for each area to be valued and shall fix the remuneration to be paid to every such valuer appointed.
2. A valuer may be removed from office for any reason which may seem good and sufficient to the Administrator.
3. The costs of every valuation and interim valuation shall be divided equally between the Administration and the local authority concerned.
4. The basis of valuation of any property shall be the price which a buyer would be willing to give and a seller would be willing to accept at a voluntary sale. In making his valuation, the valuer shall consider the prices which have been paid for property in that area during the previous three years, and the sale price so estimated shall be taken as the basis; provided that any increase in price due to temporary inflation shall be deducted and any decrease due to temporary depression or other extraordinary causes shall be added.
5. A valuer may examine without fee any official record of properties sold, and shall, before making a valuation of any property, make a personal inspection thereof.
6. Every valuer shall for the purpose of making any valuation have power to enter at all reasonable hours into and upon any immovable property.
7. Where owing to infrequencies of sales or other reasons, the purchase price obtained or obtainable in any locality will not, in the opinion of the valuer, serve as a sufficient guide to enable him to arrive at a fair and equitable valuation of any property, then the rental and productivity and the possibilities of any such property as an investment shall be considered in establishing the basis of and finally determining the valuation of the property.
8. It shall be lawful for any valuer to put to any person in occupation or charge of or being the owner of any property which such valuer shall have been authorised to value, questions upon all such matters as may be necessary to enable such valuer correctly to value such property or to frame any valuation roll, and to require any such person in occupation or in charge of or any such owner to sign a written statement embodying the information so given by such person or owner. And if, after being informed by such valuer of his purpose in putting such questions and his authority to put the same, any such person in occupation or charge of or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false answer or statement in reply to such questions, or shall unreasonably refuse to sign a written statement as aforesaid, such person shall, for every such offence, be liable to a penalty of not exceeding ten pounds. It shall further be lawful for any valuer, if he deems it expedient, to require any owner to produce his title deeds or other material documents, and any such owner who shall wilfully refuse to produce his title deeds or other material documents shall be liable to the aforesaid penalty of not exceeding ten pounds.
9. In valuing any property, a valuer shall not take into account the fact that minerals or precious stones are known or supposed to exist on or under the said property.
10. In framing the valuation roll, a valuer shall give the following particulars :—
  - (a) a description of the property;
  - (b) the owner's name and address.

- (c) the occupier's name and address;
  - (d) the rent, if any, paid for the whole or any part of the property;
  - (e) a description of the portions let separately;
  - (f) the size of the property and the extent of the frontage;
  - (g) the valuation of the site and of each building and improvement thereon, and of the property as a whole.
- (h) his estimate of the rental value.

11. On completion of the valuation roll, the valuer shall forward it forthwith to the clerk to the local authority concerned, who shall thereupon publish a notice to the effect—

- (a) that the roll will lie for inspection by persons interested for a period of not less than fourteen days;
- (b) that owners or occupiers must lodge with him in writing any objections that they may have against the valuation of any property owned or occupied by them within the said period, and must state the grounds of their objection;
- (c) that a valuation court will be held on a day and at an hour and place to be specified in the notice.

12. The valuation court shall consist of the magistrate as chairman, one member to be appointed by the Administrator, and one member to be nominated by the local authority, who may or may not be a member of the council of the local authority. *Amended by GN 324/45.*

13. The valuation court shall, on the appointed day, proceed to consider the valuation roll and the objections lodged thereon and shall be entitled to make such alterations and amendments as they shall see fit, and may increase or decrease any valuation whether it be objected to or not subject to the following provisions:—

- (a) That all evidence given before the said court shall be on oath.
- (b) That the said court may be adjourned from time to time as it may deem expedient.

- (c) That a valuation to which no objection has been lodged shall not be increased unless notice has been given to the owner or, in his absence, to the occupier or agent for the property that it is the intention of the court to reconsider the valuation of the said property, but this clause shall not apply where the court shall raise the valuation of all properties in a given area by a percentage.
- (d) That no member of the court shall take part in any discussion or shall vote upon any question in which he is interested either directly or through his partner or wife or near relation.

14. The Administrator or any local authority may appear before the valuation court by any duly authorised representative.

15. Immediately after the sitting of the court, the chairman shall forward to the Administrator—

- (a) a certified copy of the valuation roll, and
- (b) a list of all properties where alterations to the extent of twenty per cent. or more have been made by the court, together with the reasons why such alterations were made by the court.

16. On receipt of the valuation roll the Administrator may confirm or alter or increase or decrease any or all of the valuations or may refer the roll back to the valuation court for further information or evidence, or may order the re-valuation of all or any of the properties mentioned therein.

17. When the Administrator is satisfied that the valuation roll is in order and that the valuations are fair and reasonable and in accordance with the spirit of these regulations he shall approve of the same, and cause the copy so approved to be returned to the local authority, and thereafter any rates which the local authority shall be empowered to assess, raise or levy shall be so assessed, raised, or levied upon the said valuation roll.

18. Where any subdivisional valuation of property is required for the purpose of completing the Voters' Roll, such valuation may be made by the Town Clerk, or any person authorised thereto by the Municipal Council concerned, and shall be subject to the approval of the Revision Court constituted in terms of Section thirty-five of the Municipal Ordinance, 1935, (Ordinance No. 24 of 1935).

Such valuation shall not form any part of the valuation roll made in terms of these regulations for the purpose of assessment of rates, and regulation 1 and regulations 11 to 17 inclusive shall not apply in respect of such valuation.

*\* Who is not a member of the Council or an employee of the Local Authority.*

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*Added by G.N. 126 of 1937*