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PROCLAMATION

BY HIS HONOUR PETRUS IMKER HOOGENHOUT, ADMINISTRATOR OF SOUTH WEST AFRICA.

No. 40 of 1944.]

WHEREAS it is expedient to provide for the increase of the amount of a fine, payable without an appearance in Court, by a person charged with an offence relating to the control of prices;

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

1. (1) Notwithstanding anything to the contrary contained in sub-section (1) of section *three hundred and twenty-three* of the Criminal Procedure and Evidence Proclamation, 1935 (No. 30 of 1935) as amended from time to time (hereinafter called the principal proclamation), when any person has been summoned or warned to appear in an inferior court or has been arrested or has been informed by a peace officer that it is intended to institute criminal proceedings against him, for any offence under the Regulations dealing with the control of prices, or any substitution or amendment thereof, made under the War Measures Act, 1940 (Act No. 13 of 1940) of the Parliament of the Union of South Africa, or any amendment thereof, and when any policeman of or above the rank of sergeant or any clerk of a Magistrate's Court or any Public Prosecutor has received a written notice from the Attorney-General to the effect that he has reasonable grounds for believing that the Court which will try the said person for such offence will, on convicting such person of such offence, not impose a sentence of imprisonment or whipping or a fine exceeding fifty pounds, such person may sign and deliver to such policeman, clerk or prosecutor a document admitting that he is guilty of the said offence, and

(a) deposit with such policeman, clerk or prosecutor such sum of moneys as the Attorney-General may decide, or

(b) furnish to such policeman, clerk or prosecutor such security as the Attorney-General deems sufficient for the payment of any fine which the court trying the case in question may lawfully impose therefor,

not exceeding fifty pounds or the maximum of the fine with which such offence is punishable, which ever amount is the lesser, and such person shall, subject to the provisions of sub-section (8) of section *three hundred and twenty-three* of the principal proclamation, thereupon not be required to appear in court to answer a charge of having committed the said offence.

(2) The provisions of sub-sections (2) to (11) inclusive of section *three hundred and twenty-three* of the principal proclamation shall *mutatis mutandis* apply to any admission of guilt made, to any deposit made or to any security furnished in terms of sub-section (1).

2. Any expression to which a meaning is assigned in the principal proclamation shall, when used in this proclamation bear the same meaning: Provided that the expression "Attorney-General" when used in this proclamation shall include the Professional Assistant to the Attorney-General.

3. This Proclamation shall be called the Price Control Admissions of Guilt Proclamation, 1944.

GOD SAVE THE KING.

Given under my hand and seal at WINDHOEK this 17th day of November, 1944.

P. I. HOOGENHOUT,
Administrator.

PROKLAMASIE

VAN SY EDELE PETRUS IMKER HOOGENHOUT, ADMINISTRATEUR VAN SUIDWES-AFRIKA.

No. 40 van 1944.]

NADEMAAL dit wenslik is om voorsiening te maak vir die verhoging van die bedrag van 'n boete betaalbaar sonder verskyning in die hof deur iemand aangekla weens 'n oortreding in verband met prysbeheer;

SO IS DIT dat ek kragtens die bevoegdheid my verleen, hierby as volg proklameer, verklaar en bekend maak:—

1. (1) Nieteenstaande enigiets strydigs vervat in subartikel (1) van artikel *driehonderd-drie-en-twintig* van die „Kriminele Prosedure en Bewyslewering Proklamasie 1935" (30 van 1935), soos met verloop van tyd gewysig (hierna die Hoofproklamasie genoem), mag iemand wat gedagvaar of gewaarsku is om in 'n laerhof te verskyn, of wat in hegtenis geneem of deur 'n geregsdienaar daarvan in kennis gestel is dat die voorneme bestaan om geregtelike stappe teen hom te doen weens 'n oortreding ingevolge die regulasies op prysbeheer of 'n vervangende maatreël of 'n wysiging daarvan, uitgevaardig ingevolge die Wet op Oorlogsmaatreë[l]
(13 van 1940) van die Parlement van die Unie van Sui[d]
of 'n wysiging daarvan, wanneer 'n lid van die Po[l]
met of bo die rang van sersant of 'n klerk van 'n mag[.]
hof of 'n staatsaanklaer skriftelik van die Prokureur-g[
kennis gekry het dat hy redelike grond het om aan te ne[
die hof wat so-iemand ewens sodanige oortreding moe[
hoor, so-iemand by skuldigbevinding aan sodanige oortre[
nie tot gevangesetting of lyfstraf of 'n boete van mee[
vyftig pond sal veroordeel nie, 'n dokument onderteken w[
hy erken dat hy aan genoemde oortreding skuldig is, e[
aan sodanige lid van die Polisiemag, klerk of staatsaank[
oorhandig,

(a) by sodanige lid van die Polisiemag, klerk of staatsaanklaer sodanige bedrag deponeer as wat die Prokureur-generaal bepaal, of

(b) sodanige lid van die Polisiemag, klerk of staatsaanklaer van sodanige borgtog voorsien as wat die Prokureur-generaal voldoende ag vir die betaling van 'n boete wat die hof wat die betrokke saak moet verhoor, wettig ten opsigte daarvan mag oplê,

maar nie meer as vyftig pond of die maksimumboete wat weens sodanige oortreding opgelê mag word nie, watter bedrag die kleinste is, en van so-iemand moet, onderhewig aan die bepalings van subartikel (8) van artikel *driehonderd-drie-en-twintig* van die Hoofproklamasie, daarna nie vereis word om in die hof te verskyn op aanklag daarvan dat hy sodanige oortreding begaan het nie.

(2) Die bepalings van subartikel (2) en tot en met (11) van artikel *driehonderd-drie-en-twintig* van die Hoofproklamasie het *mutatis mutandis* betrekking op enige skuldbekentenis, deposito of borgtog ingevolge die bepalings van subartikel (1).

2. 'n Uitdrukking waaraan in die Hoofproklamasie 'n besondere betekenis verleen is, sal wanneer dit in hierdie Proklamasie gebesig word, dieselfde betekenis hê: met dien verstande dat die uitdrukking „Prokureur-generaal", wanneer dit in hierdie Proklamasie gebesig word, die Beroepsassistent van die Prokureur-generaal insluit.

3. Hierdie Proklamasie heet die Proklamasie op Prysbeheer-skuldbekentenisse, 1944.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te WINDHOEK hierdie 17de dag van November 1944.

P. I. HOOGENHOUT,
Administrateur.