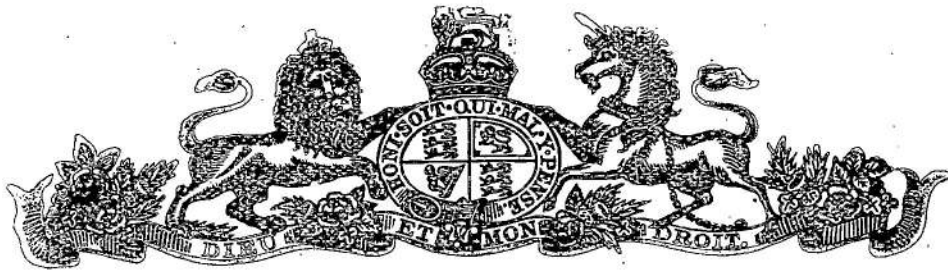


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OFFICIAL GAZETTE

OF THE
HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

VOL. LXXIV.]

PRETORIA FRIDAY, 29TH APRIL, 1921.

[No. 1028.]

No. 17 of 1921.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is desirable to amend the laws in force in Basutoland (herein after referred to as the territory) relating to Medical Practitioners, Dentists and Chemists and to the sale of drugs, medicines and poisons;

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

1. No person shall practise in the territory as a medical practitioner, dentist or chemist unless he is registered as such in accordance with the provisions of this Proclamation.

2. (1) A register shall be kept by the Government Secretary in which shall be entered the names and qualifications of all persons qualified to practise as medical practitioners, dentists or chemists respectively with such other particulars as may be required.

(2) No person save as is herein after excepted shall be entered on the register unless

(a) he is in possession of such diplomas or certificates as may from time to time be prescribed as enabling a person to be registered in the Transvaal Province of the Union of South Africa as a medical practitioner, dentist or chemist as the case may be, and

(b) his application for registration has been approved by the Resident Commissioner or by the High Commissioner on appeal under section four.

3. Any person desiring to be registered shall make application in writing to the Principal Medical Officer and shall provide such proof as may be required that he possesses the qualifications prescribed by this Proclamation and shall make a sworn declaration in the form set out in Schedule A of this Proclamation.

4. The Resident Commissioner may refuse his approval to any application for registration without stating his reasons, but any person whose application the Resident Commissioner has refused to approve may appeal to the High Commissioner against such refusal.

5. Every applicant who is qualified as prescribed in this Proclamation and whose application is approved by the Resident Commissioner or by the High Commissioner (on appeal from a refusal by the Resident Commissioner) shall be entered in the register as a medical practitioner, dentist or chemist as the case may be and shall receive a certificate of registration in the form set out in Schedule B in respect of which a fee of five pounds shall be paid and collected by means of a revenue stamp to that value affixed to such certificate, provided however that such fee shall not be chargeable in the case of any applicant who at the date of the taking effect of this Proclamation is holding a Government appointment in the territory or is practising as a medical practitioner, dentist or chemist therein.

6. The Resident Commissioner may, on the written advice of the Principal Medical Officer or of any person lawfully acting in that capacity, who shall state fully in writing his reasons for such advice, recommend to the High Commissioner the removal of any name from the register, and the High Commissioner may order the removal of such name accordingly. Every such removal from the register and the reasons therefor shall be notified by the Principal Medical Officer to the Registrar of every Medical Council in the Union of South Africa and to the General Medical Council of Great Britain.

7. Notwithstanding anything contained in this Proclamation any person not holding the diplomas or certificates required by section two of this Proclamation who has been before the date of the taking effect of this Proclamation in practice in the territory as a medical practitioner, dentist or chemist or in all such capacities or in any two of them without being at the same time engaged in any other calling or employment may make written application to the Principal Medical Officer of the territory for the leave of the Resident Commissioner to continue such practice stating the grounds on which his application is based and may if such leave be granted by the Resident Commissioner continue such practice for such period and subject to such conditions as may be determined by the Resident Commissioner provided that

the Resident Commissioner shall have discretion to refuse to grant any such application without stating his reasons for such refusal and may at any time cancel any leave so granted.

8. The provisions of sections one to seven inclusive of this Proclamation shall not apply to aboriginal native doctors practising medicine according to their custom.

9. Notwithstanding anything contained in this Proclamation European missionaries certified as such by the Assistant Commissioner of the district in which they reside shall be permitted without being registered as provided in this Proclamation to prescribe drugs and afford medical and surgical aid; provided that they supply such drugs and render such assistance without any fee or reward exceeding one shilling for each attendance and the like amount for each issue of medicine.

10. (1) Notwithstanding anything contained in this Proclamation any person not registered as a chemist, carrying on the business of merchant or trader within the territory, may, subject to the provisions of this section, sell such crude drugs and proprietary medicines as are included in the list endorsed on his General Trading Licence in accordance with sub-section (3) of this section.

(2) No permission under sub-section (1) shall be granted to any holder of a hawker's licence.

(3) Every merchant or trader desiring to sell crude drugs or proprietary medicines under the provisions of sub-section (1) shall prior to the grant or renewal of his annual licence or upon application made for endorsement as herein provided subsequent to such grant or renewal furnish to the Assistant Commissioner of the district in which he carries on or proposes to carry on his business a list of the drugs and proprietary medicines which he desires to sell, and the Assistant Commissioner may, subject to such instructions as he may receive from the Resident Commissioner, approve or amend such list; and endorse such list as approved or amended on the applicants' licence, and may thereafter from time to time subject to the like instructions make any additions to the list so endorsed on further application by the licensee.

(4) The Resident Commissioner may on the advice of the Principal Medical Officer or of any person lawfully acting in that capacity and notwithstanding any permission granted under this Proclamation prohibit by notice in the *Gazette* the sale of any drug or proprietary medicine.

(5) A permission to sell drugs and proprietary medicines granted under this Proclamation may at any time be withdrawn by notice in writing given to the holder thereof or delivered at the place at which he is licensed to carry on business.

11. (1) The several articles named and described in Parts I and II of Schedule C and any other articles which may be added to either part of that Schedule by the High Commissioner by notice in the *Gazette* shall be deemed to be poisons for the purposes of this Proclamation and shall not be sold save as is herein after provided except on the written order of a registered medical practitioner or of any person who has duly obtained leave from the Resident Commissioner under section seven of this Proclamation to practise as a medical practitioner and then only in accordance with the conditions relating to Parts I and II respectively of the said Schedule as set out therein.

(2) Notwithstanding anything contained in sub-section (1) a registered chemist or a person authorized to sell drugs under section ten may unless specifically prohibited by the Resident Commissioner sell poisons for any industrial or agricultural purposes or for the destruction of vermin or insect pests or for the treatment of disease in animals or plants subject to the conditions applicable thereto as set out in the said Schedule.

(3) Any person selling any poison under the provisions of sub-section (2) shall obtain from the purchaser a statement in writing of the purpose for which he desires to use such poison and shall satisfy himself so far as may be that the purchaser bona fide intends to use it for that purpose.

(4) Every person who is authorized to sell poison under this Proclamation shall keep a prescription book and a poison book in which shall be recorded the particulars required under Schedule C to be entered in such books respectively. The poison book shall be open for inspection at any time by the Assistant Commissioner of the district or by any person authorized by him in writing to inspect the same.

(5) Any person required under this section to keep a prescription book and a poison book for recording the sale of poisons who shall fail to keep such books or to make the prescribed entries therein or to produce them for inspection on lawful demand shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding twelve months.

(6) The High Commissioner may by notice in the *Gazette* from time to time add other articles either to Part I or Part II of Schedule C and transfer articles mentioned in Part I thereof to Part II and vice versa.

12. Any person who shall practise as a medical practitioner, dentist or chemist or who shall sell or dispose of poisons, drugs or proprietary medicines otherwise than as provided in this Proclamation shall be guilty of an offence and shall be liable on conviction for the first offence 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 for a second or subsequent offence 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 one year.

13. Notwithstanding anything contained in the Liquor Proclamation 1910 no registered medical practitioner, dentist or chemist and no person who has duly obtained leave from the Resident Commissioner under section seven of this Proclamation to practise as a medical practitioner dentist or chemist shall be debarred by the said Liquor Proclamation from selling exposing for sale purchasing giving receiving or supplying in Basutoland for purely medicinal purposes or for the purpose of sale for such purposes any bona fide medicine containing intoxicating liquor as defined in the said Proclamation, and no merchant or trader duly authorized under section ten of this Proclamation to sell any drug or proprietary medicine shall be debarred by the said Proclamation from selling exposing for sale purchasing or supplying such drug or medicine for purely medicinal purposes or for the purpose of sale for such purposes by reason that the same contains any intoxicating liquor as so defined.

14. The laws mentioned in Schedule D shall be and are hereby repealed without prejudice to anything lawfully done thereunder.

15. This Proclamation may be cited as the Basutoland Medical Dental and Pharmacy Proclamation 1921 and shall have force and take effect from the first day of June, 1921.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of April, One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

SCHEDULE A.

I, the undersigned (full Christian and surname and full address)

hereby make oath and declare that I am the person mentioned in the accompanying.....submitted by me in support of my application to be registered as a medical practitioner (or dentist or chemist) in the territory of Basutoland; that the said.....granted to me and.....my own lawful property; and that I have never been debarred from practice in any country by reason of misdemeanour or professional misconduct.

Sworn before me this.....day of.....
192...

SCHEDULE B.

Basutoland,
Government Secretary's Office.
No.....

Stamp.

Registration Certificate.

Name..... Qualification.....
Registered as.....

Date.....
Government Secretary.

SCHEDULE C.

POISONS.

Part I.

Conditions applicable to poisons included in Part I. These poisons shall not be sold unless the purchaser is known or is introduced by some person known to the seller, and in the case of every male an entry shall be made in poison book of—

- (1) the date of sale;
- (2) the name and address of the purchaser;
- (3) the name and quantity of the article sold, and the purposes for which it is wanted by the purchaser; such entry shall be attested by the signature of the purchaser and of the person introducing him.

These poisons shall further in every case of sale be labelled with—

- (1) the name of the article;
- (2) the word "Poison" in English and Sesuto;
- (3) the name and address of the person on whose behalf the sale is effected: Provided, however, that when they are sold on a medical prescription for internal use, they need not be labelled with the word "Poison" nor with the name of the article, but an entry shall be made in the prescription book of—

- (1) the date of sale;
- (2) the name (and address) of purchaser; and
- (3) the ingredients and quantities of the prescription.

Arsenic and its salts and their preparations.

Aconite, aconitine and its salts, and their preparations.

Alkaloids: All poisonous vegetable alkaloids and glucosides not specifically named in this schedule and their salts, and all poisonous derivatives of vegetable alkaloids.

Atropine and its salts and their preparations.

Belladonna and all preparations or admixtures (except belladonna plasters) containing 0.1 or more per cent. of belladonna alkaloids.

Cannabis Indica (or Indian Hemp or Gunjah or the African Dagga or the Cape Wild Dagga) and all solid preparations thereof (except Cannabis Indica plasters).

Cantharides and its poisonous derivatives and all other cantharidin yielding insects.

Chloral hydrate and its preparations.

Chloroform.

Coca, cocaine and its salts and derivatives, and any preparation or admixture containing 0.1 or more per cent of coca alkaloids.

Cyanides of potassium and sodium and all other poisonous cyanides and their preparations.

Emetic tartar, and all preparations or admixtures containing 1 or more per cent. of Emetic Tartar.

Ergot of Rye and preparations of Ergots.

Mercuric Chloride (Corrosive Sublimate).

Nux Vomica, Strychnine and its salts, and all preparations or admixtures containing 0.2 or more per cent. of strychnine.

Picrotoxin.

Prussic Acid and all preparations or admixtures containing 0.1 or more per cent. of prussic acid.

Savin and Fly Killers, if preparations of poisons the preparations of which are in Part I of this schedule.

Part II.

Conditions applicable to Poisons included in Part II.

These poisons shall in every case of sale be labelled with—

- (1) the name of the article;
- (2) the word "Poison" in English and Sesuto; and
- (3) the name and address of the person on whose behalf the sale is effected;

provided, however, that if they are sold on medical prescription for internal use they need not be labelled with the word "Poison" nor with the name of the article, but an entry shall, in that case, be made in the prescription book of

- (1) the date of sale;
- (2) the name (and address) of purchaser;
- (3) the ingredients and quantities of the prescription.

Acetanilide (Antifebrin).

Almonds, Essential Oil of, unless deprived of Prussic Acid.

Antimonial Wine.

Cannabis Indica, all liquid preparations or admixtures of.

Cantharides, tincture of and all vesicating liquid preparations or admixtures containing cantharidin.

Carbolic Acid, and liquid preparations of carbolic acid and its homologues containing more than 3 per cent of phenols.

Chloroform, all preparations or admixtures of containing more than 20 per cent. of Chloroform.

Digitalis (and all preparations or admixtures of).

Exalgin.

Mercuric Chloride (Corrosive Sublimate), all preparations of.

Mercuric Iodide.

Nux Vomica, preparations or admixtures of containing less than 0.2 per cent. of Strychnine.

Oxalic Acid and its soluble salts.

Phenazone (Antipyrine).

Precipitate, Red, and all Oxides of Mercury.

Strophanthus (and all preparations or admixtures of).

Sulphonal and its homologues, whether described as Trional, Tetronal, or by any other trade name, mark, or designation.

Diethyl-Barbituric Acid and other alkyl, aryl, or metallic derivatives of Barbituric Acid, whether described as Barbitone, Veronal, Proponal, Medinal or by any other trade name, mark, or designation; and all poisonous Urethanes and Ureides.

Vermin Killers (see Part I). Compounds containing poisons prepared for the destruction of vermin, if not subject to the provisions of Part I are deemed to be included in Part II. All preparations or admixtures which are not included in Part I of this Schedule and contain a poison within the meaning of this Proclamation except preparations or admixtures, the exclusion of which from this schedule is indicated by the words therein relating to carbolic acid, chloroform and coca.

Coca Leaves (the leaves of Erythroxylon Coca).

Cocaine, including all preparations, salts, derivatives, or admixtures prepared therefrom or therewith, and containing more than 0.1 per cent. of cocaine.

Dagga, Wild Dagga, Red Dagga, or Klip Dagga, including the whole or any portion of the plant (Leonotis Leonurus) or (Leonotis Ovata).

Indian Hemp, including the whole or any portion of the plant Cannabis Indica or Cannabis Sativa.

SCHEDULE D.

Ordinance No. 82 of 1830 of the Colony of the Cape of Good Hope as in force in Basutoland.

The Basutoland Liquor Amendment Proclamation, 1910 (No. 24 of 1910).

(Printed by the Government Printer, Pretoria.)

No. 18 of 1921.]

PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER.

Whereas it is desirable to make provision for preventing the introduction into Basutoland (herein after called "the territory") and the spread therein of infectious or contagious disease and for preserving the public health therein;

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

1. The Resident Commissioner may subject to the approval of the High Commissioner from time to time make regulations for the purpose of preventing the introduction into or dissemination within the territory of any infectious or contagious disease, and in particular, but without prejudice to the generality of the power hereby conferred, such regulations may provide—

- (a) for regulating restricting or prohibiting the entry into or departure from the territory or the movement from one part of the territory to another of any person or of any specified class or description of persons;
- (b) for regulating restricting or prohibiting the introduction into the territory or the transport from one part of the territory to another of any animal or thing;
- (c) for the medical examination detention quarantine disinfection vaccination inoculation isolation or surveillance of persons or of specified classes of persons residing in or entering or leaving the territory or the examination detention or disinfection of animals articles or things;
- (d) for declaring and establishing ports of entry for the purpose of such regulations and for closing any or all of the borders of the territory for such period as the Resident Commissioner may deem necessary or advisable.

2. (1) The Resident Commissioner may subject to the approval of the High Commissioner from time to time make local public health regulations for any Government Reserve and may, subject to the like approval, for the purpose of defraying any expenditure necessary for carrying out such regulations from time to time make orders imposing local rates in respect of the ownership or occupation of property within such Reserve, or requiring the payment of fees for services rendered.

(2) Local regulations made under this section may provide for the regulation of sanitation, water supply, and the sale of food or other articles and for the prevention and control of infectious diseases, and for such other matters as may be considered necessary by the Resident Commissioner in the interests of public health.

(3) Every regulation or order made under this section shall, when approved by the High Commissioner, be published in the *Gazette*, and shall thereupon have the force of law within the Government Reserve for which it is made.

3. Any medical officer or any person duly authorized thereto in writing under any regulations made in pursuance of this Proclamation may enter at any time by day upon any premises for any purpose authorized by any such regulation.

4. Any person who shall contravene or aid or abet the contravention of any regulation made under this Proclamation or of any order issued under any such regulation or who shall wilfully obstruct or resist the lawful exercise of any of the powers conferred by this Proclamation or any such regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

5. The Bubonic Plague (Basutoland) Proclamation 1916 and the Basutoland Typhus Fever Proclamation 1918 shall be and are hereby repealed without prejudice to anything lawfully done thereunder.

6. This Proclamation may be cited as the Public Health (Basutoland) Proclamation 1921 and shall have force and take effect from the first day of June 1921.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of April One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 19 of 1921.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient to amend Proclamation No. 21 of 1917, providing for the proper management of prisons in Basutoland (herein after referred to as "the said Proclamation"):

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

1. Section eight of the said Proclamation shall be and is hereby amended by the deletion therefrom of the words "or who escapes or attempts to escape or assists or conspires with any other person to escape from prison."

2. The following additional section shall be and is hereby inserted in the said Proclamation after section eight:—

8A. (1) Any prisoner—

- (a) who escapes or conspires with any person to procure the escape of any prisoner, or who assists or incites any other prisoner to escape from the prison in which he is placed, or from any post, place or conveyance where or wherein he may be for the purpose of labour or detention, or from hospital, or while in course of removal in custody from one place to another, or otherwise; or
- (b) who makes any attempt to escape from custody whether inside or outside any building or enclosure or place of conveyance; or
- (c) who is in possession of any instrument or other thing with intent to procure his own escape or that of another prisoner,

shall be liable on conviction by a Court of Assistant Commissioner to imprisonment with hard labour for a period not exceeding two years, and in addition, where the escape was accompanied by any act of violence, to receive, notwithstanding anything in Regulation No. 14 in Proclamation No. 2 B of 1884, corporal punishment not exceeding twenty-four lashes: Provided that no corporal punishment shall be inflicted until the sentence has been confirmed by the Resident Commissioner or the Deputy-Resident Commissioner. Any such imprisonment shall commence after the expiry of any sentence which the prisoner was then undergoing.

(2) An Assistant Commissioner may try any prisoner for an offence under this section either in his own court or within the precincts of the prison as may be convenient.

(3) Nothing in this section contained shall be construed as exempting the prisoner from prosecution or punishment for an offence under the common law or the provisions of this Proclamation or any other law or any regulation.

3. This Proclamation shall be read as one with the Basutoland Prisons Proclamation 1917 and may be cited for all purposes as "The Basutoland Prisons Amendment Proclamation 1921" and shall have force and take effect from the date of publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of April One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

NOTICE.

In the Estate of the late ALFRED STERLEY (No. 86, Basutoland), in life a trader and miner.

Notice is hereby given that persons who have any claims against this Estate are required to file them with the undersigned within six weeks from date; and that all who are indebted to the Estate must settle their accounts with the undersigned within the same period, failing which proceedings will be taken for the recovery thereof.

C. F. HENEY,
Executor Dative.

C/o The Bloemfontein Board of Executors, Ltd.,
P.O. Box 19, Maseru,
26th April, 1921.