

EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA Government Gazette

Staatskoerant VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CXX.] PRICE 6d. PRETORIA, 23 MAY 1940 PRYS 6d. [No. 2769.
23 MEI

All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

GOVERNMENT NOTICE

DEPARTMENT OF DEFENCE.

The following Government Notice is published for general information:—

* No. 842.]

[23 May 1940.

His Excellency the Governor-General has been pleased, under sections eighty-six and one hundred and sixteen (m) and (t) of the South Africa Defence Act, 1912, to make the under-mentioned regulations authorizing and appointing officers of the Defence Forces or of the Public Service of the Union in time of war to obtain and take possession of buildings and other premises, supplies of foodstuffs, forage, horses, transport animals, and vehicles and all other articles necessary for the maintenance in the field of the Defence Forces or any portion thereof and all other of His Majesty's Forces acting in co-operation therewith; and to make provision for the manner in which requisition may be made.

COMMANDEERING REGULATIONS FRAMED UNDER SECTIONS EIGHTY-SIX AND ONE HUNDRED AND SIXTEEN OF THE SOUTH AFRICA DEFENCE ACT, 1912.

1. In time of war when any portion of the Union Defence Forces is employed on active service, all officers of the South African Permanent Force of and above the rank of Captain, Officers of the Coast Garrison or Citizen Forces, when employed on active service, who are not under the rank of captain, and are specially appointed, in writing, by their commanding officers as requisitioning officers, and all commissioned officers of the South African Police, may requisition for the maintenance in the field of the Union Defence Force or any portion thereof or for any other of His Majesty's Forces acting in co-operation therewith—

- any farms, buildings or premises whether in whole or part on terms of hire;
- vehicles, parts of and accessories to vehicles, horses, transport animals, saddlery, harness or equipment, on terms of purchase or hire;
- foodstuffs, forage, and agricultural produce;
- accommodation and refreshments;
- carriage for persons or things by public or private vehicles;
- coal, wood, petrol, paraffin, oil and any fuel whatsoever;
- any other articles which may be held by the requisitioning officer to be necessary for any military purpose.

Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN VERDEDIGING.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer:—

* No. 842.]

[23 Mei 1940.

Dit het Sy Eksellensie die Goewerneur-generaal behaag om, kragtens artikels ses-en-tagtig en eenhonderd-en-sestien (m) en (t) van die „Zuid-Afrika Verdedigings Wet”, 1912, onderstaande regulasies uit te vaardig om offisiere van die Verdedigingsmag of Amptenare van die Unie se Staatsdiens magtiging te gee en aan te stel om in oorlogstyd beslag te lê op en besit te neem van geboue en terrein, kosvoorrade, voer, perde, trekdiere en voertuie en enig iets anders wat nodig is om die Verdedigingsmag of 'n gedeelte daarvan en alle ander strydmagte van Sy Majesteit wat daarmee saamwerk, te velde te onderhou, en om voorsiening te maak vir die wyse waarop gekommandeer moet word:—

KOMMANDEERREGULASIES OPGESTEL INGEVOLGE ARTIKELS SES-EN-TAGTIG EN EENHONDERD-EN-SESTIEN VAN DIE „ZUID-AFRIKA VERDEDIGINGS WET”, 1912.

1. As 'n gedeelte van die Unie-Verdedigingsmag in oorlogstyd in aktiewe diens is, kan al die offisiere van die Suid-Afrikaanse Staande Mag met kapteins- of hoër rang, asook offisiere van die Kugarnisoens- of Burgermag wat minstens kapteinsrang beklee en in aktiewe diens is en spesiaal deur hulle bevelvoerende offisiere skriftelik as kommandeeroffisiere aangestel is, en alle lede van die Suid-Afrikaanse Polisie met offisiersrang onderstaande sake kommandeer vir die instandhouding te velde van die Unie-Verdedigingsmag of 'n gedeelte daarvan of van ander strydmagte van Sy Majesteit wat daarmee saamwerk:—

- Plase, geboue of terrein, in die geheel of gedeeltelik, by wyse van huur;
- voertuie, onderdele of toebehore van voertuie, perde, trekdiere, saals en tooms; tuie of toebehore, by wyse van koop of huur;
- kos, voer en landbouprodukte;
- huisvesting en verversinge;
- vervoer van persone of dinge deur publieke of private voertuie;
- steenkool, hout, petrol, paraffien, olie en elke ander brandstof;
- elke ander artikel wat die kommandeeroffisier nodig reken vir 'n militêre doel.

2. A requisition note shall be made out in triplicate by the requisitioning officer specifying his rank and unit at the time of requisitioning, but only the original thereof shall be handed to the supplier, and the subsequent production of the original of such note by the supplier shall be accepted as proof that the requisitioning officer took delivery of whatever was requisitioned.

A requisition note for hire or rental shall specify the inclusive dates of the hiring and additional notes shall be issued from time to time as the occupation or hire is continued.

3. If circumstances prevent the issue of a requisition note the owner or person who was in possession of anything requisitioned shall make an affidavit before a magistrate or justice of the peace and forward it to the Department of Defence within one month from the date of the requisitioning, and such affidavit shall be accepted in the place of a written requisition, subject to its confirmation by an officer acquainted with the fact of the requisitioning.

4. A requisition note shall be issued for personal services casually rendered.

5. Delivery of anything requisitioned may be required at any place specified in the requisition note, a claim being allowed for the cost of necessary transport thereto.

6. Anything requisitioned on terms of purchase but not used, may at the option of the military authorities be returned and not paid for if it is in good condition, provided that, if the thing or things requisitioned were goods contained in unbroken containers at the time of requisitioning, the goods so returned are in unbroken containers.

7. Under the authority of any requisition note, delivery or possession may be taken or seizure made by any person on the order of the requisitioning officer. No claim shall lie for damage resulting from resistance to such seizure made by or on behalf of the person in possession of anything requisitioned.

8. No person shall, without authority, remove, take, or injure any property requisitioned by an officer under these regulations.

9. Possession shall not be taken of any private dwelling unless special circumstances require it.

10. (a) For whatever shall be requisitioned on hire, no claim shall lie for any period beyond the actual date of restoration of possession to the owner or his agent.

(b) Anything so requisitioned on hire shall be returned in the same condition, reasonable wear and tear excepted, and if returned in a damaged condition a claim may be made for the damage done, provided that notice to the officer returning the goods that such claim will be made is given at the time of restoration of possession to the owner or his agent. If the amount claimed appears to be unreasonable the claim shall be dealt with in the manner provided in Regulation 11 as if it were an unreasonable claim for rental.

11. Subject to the conditions of paragraphs 2 and 6 hereof payment shall be made of a reasonable price or rental for whatever is requisitioned. If the amount claimed appears to be unreasonable the claim shall be referred by the Department of Defence to the National Supplies Control Board, established under Regulation 2 of the National Emergency Regulations published under Proclamation No. 201, of the 14th September, 1939; the said Board shall determine what is a reasonable price or rental and its decision shall be final.

12. Payment shall be made by the Department of Defence to the person who produces a duly signed requisition note. In the event of payment being made to a person wrongfully in possession of such note, no person shall have any remedy against the Department in respect of such note; any warrant voucher or cheque issued shall be in favour only of the person from whom the services or goods were requisitioned and whose name shall be on the requisition note or of an agent duly authorised by him under power of attorney to receive such payment.

13. These regulations shall cancel any previous regulations relating to commandeering under section eighty-six of the South Africa Defence Act of 1912, and shall have force and effect from the date of their publication in the *Government Gazette*.

2. Die kommandeeroffisier moet 'n kommandeerbewys in triplo uitskryf waarin hy sy rang en die eenheid waartoe hy ten tyde van die kommandering behoort, aangee. Net die oorspronklike moet aan die persoon van wie gekommandeer word, afgegee word. As die persoon later wil bewys dat die kommandeeroffisier wel iets van hom gekommandeer het, hoef hy net hierdie oorspronklike eksemplaar te toon.

Wanneer iets gehuur word, moet die ingangs- en die verstrykingsdatum op die kommandeerbewys aangegee word, en verdere bewyse moet van tyd tot tyd uitgereik word na gelang die huur voortduur.

3. Indien omstandighede die uitreik van 'n kommandeerbewys verhinder, moet die eienaar of persoon wat in besit van gekommandeerde goedere was, 'n beëdigde verklaring voor 'n magistraat of 'n vrederegter aflê en dit binne 'n maand nadat die goed gekommandeer is, na die Departement van Verdediging stuur. Die beëdigde verklaring sal dan in die plek van 'n geskrewe kommandeerbewys aangeneem word, mits dit deur 'n offisier wat met die feite van die kommandering bekend is, bekragtig word.

4. 'n Kommandeerbewys moet vir los werk wat gedoen is, uitgereik word.

5. Dit kan wees dat iets wat gekommandeer word op 'n plek gelewer moet word wat in die kommandeerbewys genoem is. Indien soiets vervoer moet word, is 'n eis om vervoerkoste geldig.

6. Iets wat vir aankoop gekommandeer maar nie gebruik is nie, kan onbetaal deur die militêre owerheid terugbesorg word, mits dit in goeie toestand is en mits goed wat by die kommandering in heel houers was weer in heel houers terugbesorg word.

7. Kragtens 'n kommandeerbewys kan enigiemand op las van die kommandeeroffisier aflowering of besit eis van of beslag lê op enigiets wat gekommandeer word. As die besitter van iets wat gekommandeer word of iemand anders namens hom, verset teen die beslaglegging pleeg en die goed word beskadig, sal die besitter nie 'n eis om skadevergoeding kan instel nie.

8. Niemand mag eiendom wat kragtens hierdie regulasies deur 'n offisier gekommandeer is, sonder magtiging verwyder, neem of beskadig nie.

9. Behalwe wanneer spesiale omstandighede dit vereis, sal privaat wonings nie in besit geneem word nie.

10. (a) Wanneer iets in huur gekommandeer is, is 'n eis ten opsigte daarvan net geldig tot op die datum waarop die eienaar of sy agent weer in besit gestel is.

(b) Wanneer iets in huur gekommandeer is, moet dit in dieselfde toestand terugbesorg word, met inagneming van redelike slytasie. Wanneer iets by terugbesorging beskadig is, kan 'n eis om skadevergoeding ingestel word, mits die offisier wat die goed terugbesorg, daarvan verwittig word wanneer die goed aan die eienaar of sy agent terugbesorg word. As dit lyk of die bedrag van die eis onredelik is, sal die eis ooreenkomstig artikel 11 van hierdie regulasies behandel word, nl. asof dit 'n onredelike eis om huur is.

11. Behoudens die bepalinge van artikels 2 en 6 van hierdie regulasies moet 'n redelike koop- of huurprys vir enigiets wat gekommandeer is, betaal word. Indien dit skyn asof die bedrag wat geëis word, onredelik is, moet die eis deur die Departement van Verdediging verwys word na die Raad van Beheer van Landsvoorrade, wat kragtens artikel 2 van die Landsnoodtoestand-regulasies, gepubliseer by Proklamasie No. 201, gedateer 14 September 1939, opgerig is. Hierdie raad moet besleg wat 'n redelike koop- of huurprys is, en sy beslissing is finaal.

12. Die Departement van Verdediging sal persone wat behoorlik ondertekende kommandeerbewyse toon, uitbetaal. As uitbetaling geskied aan iemand wat onwettiglik in besit van 'n kommandeerbewys is, sal niemand 'n verdere eis ten opsigte van so 'n kommandeerbrief teen die Departement kan instel nie. Skatkisorders of tjeks sal uitgemaak word net ten gunste van 'n persoon van wie werk of goed gekommandeer is en wie se naam op die kommandeerbewys verskyn, of ten gunste van 'n agent aan wie hy behoorlik volmag verleen het om betaling namens hom te ontvang.

13. By hierdie regulasies word alle vorige regulasies wat, kragtens artikel ses-en-tagtig van die „Zuid-Afrika Verdedigings Wet”, 1912, op kommandeer betrekking het, ingetrek. Hierdie regulasies tree vanaf die datum van publikasie daarvan in die *Staatskoerant*, in werking.