

Namibia

Bonemeal and Superphosphates Control Proclamation, 1944

Proclamation 37 of 1944

Legislation as at 1 September 1947

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Proclamation 37 of 1944

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[\[This is the version of this document from 1 September 1947 and includes any amendments published up to 1 September 2023.\]](#)

[\[Amended by \[Bonemeal and Superphosphates Control Amendment Proclamation, 1947 \\(Proclamation 33 of 1947\\)\]\(#\) on 1 September 1947\]](#)

[\[All of the references to bonemeal in the text of the Proclamation have been removed, but the Preamble of the Proclamation was not amended accordingly.\]](#)

PROCLAMATION

By His Honour Petrus Imker Hoogenhout, Administrator of South West Africa

[\[This Proclamation has no long title.\]](#)

[\[The provisions in this Proclamation have no headings.\]](#)

WHEREAS it is desirable to control the importation into the Territory and the sale and supply within the Territory of bonemeal, bonemeal products and superphosphates;

[\[All of the references to bonemeal in the text of the Proclamation have been removed, but the Preamble of the Proclamation was not amended accordingly.\]](#)

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

1.

No person shall either directly or indirectly

- (a) import into the Territory any superphosphates, or
- (b) sell or supply any superphosphates to any other person, or

- (c) acquire any superphosphates from any other person,

otherwise than in terms of a permit issued by the Senior Veterinary Officer at Windhoek, or by an officer duly appointed by him.

[Section 1 amended by Proc. 33 of 1947. There is no hyphen after the introductory phrase in this section, which is inconsistent with the other provisions of the Proclamation.]

2.

- (1) Every person who manufactures or produces for sale or imports for sale into the Territory any superphosphates shall -

- (a) keep in the English or Afrikaans language a record of -
- (i) the quantity of superphosphates manufactured, produced, imported or received,
 - (ii) the date of such manufacture, production, importation or receipt,
 - (iii) the quantity of superphosphates sold or supplied to any person,
 - (iv) the date of such sale or supply, and
 - (v) the name and address of the person to whom such sale or supply was made; and

[The official language of Namibia is English only (Namibian Constitution, Art 3(1)).]

- (b) render to the Senior Veterinary Officer at Windhoek a quarterly return showing:-
- (i) the quantity of superphosphates manufactured, produced, imported or received by him during such quarter,
 - (ii) the quantity of superphosphates sold or disposed of by him during such quarter,
 - (iii) the quantity of superphosphates in his possession on the last day of such quarter, and
 - (iv) the quantity of superphosphates which it is anticipated will be manufactured, produced, imported or received by him during the succeeding quarter.

[subsection (1) amended by Proc. 33 of 1947]

- (2) The first quarterly return shall be rendered, in respect of the three months ending on the 31st day of December, 1944, on or before the 15th day of January, 1945, and subsequent quarterly returns shall be rendered on or before the fifteenth day of the month immediately following every calendar quarter.

3.

Any person, duly authorized by the Senior Veterinary Officer in writing, may at any time enter any premises where superphosphates are kept, or where it is suspected that any superphosphates are being kept, and may further -

- (a) inspect any superphosphates on such premises,
- (b) demand from the owner, occupier or person in charge of such premises the production of such records as are mentioned in paragraph (a) of sub-section (1) of section two, and inspect such records,
- (c) require the owner, occupier or person in charge of such premises to supply any information in connection with any superphosphates found on such premises or in connection with any records or documents found on such premises relating to superphosphates, and

- (d) seize any superphosphates, records or documents found on such premises, which may afford evidence of a contravention of any provision of this Proclamation, or of any other law.

[Section 3 is amended by Proc. 33 of 1947. The deletion of the word “bonemeal” in paragraph (d) requires the deletion of a comma even though this is not explicitly mentioned in the amending Proclamation.]

4.

Any person who -

- (a) contravenes the provisions of section one, or
(b) fails or neglects to keep the record referred to in paragraph (a) of sub-section (1) of section two, or
(c) fails or neglects to render to the Senior Veterinary Officer at Windhoek the quarterly return referred to in paragraph (b) of sub-section (1) of section two, within the period provided in sub-section (2) of the said section, or
(d) hinders or obstructs any person referred to in section three in the execution of his duty, or
(e) refuses, fails or neglects to comply with a demand made under paragraph (b) of section three, or
(f) refuses, fails or neglects to supply the information required under paragraph (c) of section three,

shall be guilty of an offence 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.

[A fine not exceeding fifty pounds is equal to a fine not exceeding N\$100.]

5.

If any person is charged with the offence of contravening the provisions of section one such person shall be deemed to have imported, sold, supplied or acquired, as the case may be, the superphosphates in question otherwise than in terms of a permit issued by the Senior Veterinary Officer, or by an officer duly appointed by him, unless he proves the contrary.

[section 5 amended by Proc. 33 of 1947]

6.

[section 6 deleted by Proc. 33 of 1947]

7.

This Proclamation shall be called the Bonemeal and Superphosphates Control Proclamation, 1944.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 10th day of October, 1944.

P. I. HOOGENHOUT,

Administrator.