

Repealed by Act 48 of 1952.

Act No. XIX of 1949

[PASSED BY THE DOMINION LEGISLATURE]

(Received the assent of the Governor-General on the 14th April, 1949.)

An Act further to amend the Essential Supplies (Temporary Powers) Act, 1946.

WHEREAS it is expedient further to amend the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1949.

2. **Amendment of section 7, Act XXIV of 1946.**—For clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act), the following clause shall be substituted, namely:—

“(b) where the contravention is of an order relating to foodstuffs, the Court shall—

(i) sentence any person convicted of such contravention to imprisonment for a term which may extend to three years and may, in addition, impose a sentence of fine, unless for reasons to be recorded it is of opinion that a sentence of fine only will meet the ends of justice, and

(ii) direct that any property in respect of which the order has been contravened or a part thereof shall be forfeited to His Majesty, unless for reasons to be recorded it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property”.

3. **Insertion of new section 7A in Act XXIV of 1946.**—After section 7 of the said Act, the following new section shall be inserted, namely:—

“7A. *Forfeiture of certain property used in the commission of the offence.*—Whenever any offence relating to cotton textiles or foodstuffs which is punishable under sub-section (1) of section 7 has been committed, the Court may, if the order made under section 3 so provides, direct that the packages, coverings or receptacles in which any property liable to be forfeited under the said sub-section is found, and the animals, vehicles, vessels or other conveyances used in carrying the said property shall be forfeited to His Majesty:

Provided that no Court trying an offence under this Act shall declare any such package, covering, or receptacle or any such animal, vehicle, vessel or other conveyance forfeited to His Majesty, unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed.”

4. **Repeal of Ordinance XXXI of 1948.**—(1) The Essential Supplies (Temporary Powers) (Amendment) Ordinance, 1948 (XXXI of 1948), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act had come into force on the 8th day of November, 1948.

Price anna 1 or 1½d.