



## SOUTHERN RHODESIA.

AN ORDINANCE to provide for the Registration of Natives in Southern Rhodesia, the granting of Passes to Natives, and regulating their employment.

BE IT ENACTED by the Administrator of Southern Rhodesia with the advice and consent of the Legislative Council thereof as follows:—

Preamble.

1. So much of any law as may be repugnant to or inconsistent with the provisions of this Ordinance is hereby repealed.

Repeal of repugnant laws

2. In this Ordinance, if not inconsistent with the context, the following words and expressions shall have the meaning set opposite to them respectively.

Definitions.

- (1) "Magistrate." A Magistrate or Assistant Magistrate, and includes an Acting Magistrate.
- (2) "Native." Any male person above the age of fourteen years who is not of European descent, and is a native of South Africa or Central Africa.
- (3) "Territory." Southern Rhodesia, *i.e.*, the Territory for the time being within the limits of the Southern Rhodesia Order in Council, 1898, or within the limits of any Order in Council amending the same.
- (4) "District." Such native districts as may be fixed by the Administrator with the advice of the Executive Council, and promulgated from time to time in the *Gazette*.

3. (1) Any native entering the Territory from any country in which no provision exists for the granting of passes shall, without delay, obtain free of charge from a Magistrate or other official authorised to grant or issue passes, a certificate of registration in the form prescribed by the Administrator, and containing such particulars as may by him be directed by any regulation under this Ordinance. Such native shall likewise obtain free of charge from the Magistrate or other authorised official, a travelling pass, or a pass to seek work, as he may desire. On leaving the territory such native shall deliver up to the Pass Officer, who issues him a travelling pass for that purpose, his certificate of registration, which shall be transmitted by the pass officer to the Magistrate or other authorised official, who originally issued the same.

Pass required by native entering territory.

(2) Any native entering the Territory who shall be in possession of an identification certificate or pass issued to him by a competent officer outside the Territory shall, without delay, on entering the Territory have the same endorsed by the Magistrate or other official duly authorised thereto, who shall keep a record of such identification certificate or pass and of his endorsement thereon. Such native shall thereupon obtain free of charge from such Magistrate or other authorised official a travelling pass, or a pass to seek work in the prescribed form, as he may require.

(3) Except as aforesaid, and as hereinafter provided, no native shall enter the Territory unless he be in possession of a pass duly granted for that purpose.

Register of passes. 4. (1) Every Pass Officer shall keep a register of all male natives apparently over the age of fourteen years within the district assigned to him, and shall enter therein the details following:—

- (a) The name of the native.
- (b) His tribe, chief headman of kraal, and district.
- (c) His height, and marks, if any.
- (d) The consecutive number given or assigned to the native in the register, which number shall be the native's official mark so long as he remains within such district.

(2) Such particulars shall also be stated in the prescribed form of certificate of registration, which shall be issued free of charge.

Natives within territory to be registered. 5. (1) Every male native within the Territory over the apparent age of fourteen years shall after the taking effect of this Ordinance, register himself at the proper Pass Office of the district in which he resides, or with a Pass Officer appointed for the purpose.

(2) At the time of being so registered a certificate of registration in the prescribed form shall be delivered to him.

(3) If the native be in the employ of any person such certificate of registration shall also state the name of his employer, and the nature of his employment.

Natives to register themselves on attaining certain age. 6. (1) Every male native within the Territory and being under the age of fourteen years shall immediately on attaining such age register himself as in section 5 sub-section (1) provided, and obtain a certificate of registration in the prescribed form.

Duties of chiefs, &c. (2) It shall be the duty of all native chiefs and headmen to see that all male natives of the age of fourteen years and upwards living or being within their tribal districts are properly registered.

Passes to contain number and name of native. 7. All passes and permits under this Ordinance shall correctly give the number and name of the native as stated in the Certificate of Registration or Identification as the case may be.

When native leaves district. 8. (1) Any native desiring to remove from the district in which he shall have been registered to any other district shall before removal obtain a travelling pass in the prescribed form, which he shall produce at the proper Pass Office in such last-mentioned district, together with his certificate of registration, in order that he may be properly registered in such district.

(2) Any native desiring to leave his district in search of work shall obtain free of charge from the nearest Pass Officer, a pass to seek work, in the prescribed form which shall be of force for a period not exceeding twenty-one days. Should the native fail to find work within the period mentioned in his pass he shall proceed to the nearest Pass Office and may obtain an extension for a period not exceeding fourteen days, which shall be noted upon the pass.

(3) Any native desiring to leave his district for the purpose of visiting another district shall obtain a pass to travel from the Magistrate or Pass Officer of his district.

9. No native shall, save as is in this Ordinance excepted, leave the Territory unless he be in possession of a pass duly granted for that purpose. Natives who leave territory to have passes.

10. It shall be lawful for any native to travel within the district in which he resides without requiring a permit for that purpose, but such native may be required to produce the certificate of registration issued to him under the provisions of sections 5 and 6 of this Ordinance. In cases where a native is in the service of some master or employer a written permit signed by such master or employer shall be necessary. Natives travelling within district.

11. No pass to travel shall be issued to any native apparently suffering from infectious disease. Infectious disease.

12. In order to prevent vagrancy and habitual idling, any native found wandering beyond the limits of the district in which he resides without a proper pass, or travelling otherwise than in the direction indicated in his pass, may be apprehended by any officer authorized by law to arrest, or by any person upon whose property he is found, and shall be forthwith brought before the nearest officer empowered to deal with offences against the Pass Law. Apprehension.

13. (1) Every employer or master who takes a native into his service shall demand from him his pass to seek work, and also his certificate of registration, and shall insert in such certificate the date of the entering into service by the native and the rate of wages stipulated for, whereupon the certificate of registration shall be returned to the native and the pass to seek work retained by the employer. The employer or master shall also correctly endorse on the certificate of registration the discharge of such native from his service or employ, giving likewise the proper date thereof. On the production of the certificate of registration, after having been properly endorsed as aforesaid, to the nearest Pass Officer by such native, he shall be entitled free of charge to receive from such Pass Officer a travelling pass or a further pass to seek work as he may desire. Requirements on employment.

(2) No person may employ or take into his service for a longer period than four days any native who is not provided with a proper pass.

(3) The preceding sub-sections (1) and (2) shall not apply to the owner or lessee of a farm employing a native residing thereon.

14. No railway ticket shall be issued to a native unless he is in possession of a proper permit, certificate of registration, certificate of exemption, or pass granted to him. Railway ticket, etc.

15. No native coming within the following exemptions shall be required to be provided with a pass: Exemptions.

- (1) Native Police or Messengers while on the service of the Government of the Territory.
- (2) Any native to whom a certificate of exemption has been granted as provided for by this Ordinance.
- (3) Any native driver, leader, or groom, in the employ of a European master whilst actually engaged as such, and producing a note or permit signed by his employer.
- (4) Any native owner of a vehicle accompanying such, and the driver or leader thereof while actually engaged as such.
- (5) Children apparently under the age of fourteen years accompanying their parents.

- (6) Any native in the employ of and travelling in company of a European employer residing in or coming into the Territory: Provided that this exemption shall in each case extend to not more than three natives.
- (7) Any native employed by a European to drive stock into or out of the Territory and having a note or permit signed by his employer giving particulars regarding such stock and its destination: Provided that this sub-section shall be read and construed as being subject to the provisions of any law relating to animals diseases, or in any way relating to cattle.
- (8) Any native sent by his employer, or about by leave of his employer who shall be provided with a note or permit stating whither he is proceeding, and the time, which shall not be more than thirty days, during which he is permitted to be absent.

Proof that native entitled to exemption.

16. Any native who shall claim to be exempted from taking out a pass, may be required to satisfy any Magistrate, Justice of the Peace, Native Commissioner, Pass Officer, or Police Officer, that he is entitled to exemption either by production of his certificate of exemption or otherwise.

One name to be noted on pass.

17. No pass shall include the name of more than one native.

Pass may be refused.

18. A Pass Officer shall have the discretion to refuse to issue or endorse a pass to any native to enter or depart from the Territory or travel therein for any reason appearing to him sufficient.

Procedure thereupon.

19. If a Pass Officer shall refuse to issue or endorse any such pass as aforesaid, he shall forthwith report such refusal to the Chief Native Commissioner or to the Magistrate of the District, who may direct the Pass Officer to issue the same or not, as he shall deem fit.

Power of Administrator to order issue or refusal.

20. The Administrator shall have full authority and discretion in any case to order that a pass shall be issued or refused to any native, notwithstanding any prohibition or any other provision contained in this or in any other Ordinance.

Natives under contract.

21. Every Pass Officer shall enquire of every native who applies for any pass under this Ordinance, whether he is under an unexpired contract of service, and any applicant making a false statement in reply to such enquiry shall be deemed guilty of a contravention of this Ordinance.

No pass to be granted in such cases.

22. No pass shall be granted to a native who is known by the Magistrate or Pass Officer to be under an unexpired contract of service, except with the consent, in writing of the employer.

Particulars to be given by native

23. Every native shall be bound on demand made by any Pass Officer to state all the particulars required to be entered upon his pass, or certificate of registration.

Native may not enter upon private property without authority.

24. No native may enter or be upon the property of any company co-partnership, or person (unless he be in the employ of such company co-partnership, or person), without the permission of the person in charge of such property, or without having a note from his employer stating the object for which he proceeds to or is upon such property: an open delivery note accompanying goods from a merchant, shopkeeper, or tradesman shall be considered as such a note.

Time allowed to seek another employer.

25. Any native who upon the termination of his period of service desires time to seek another employer, may be allowed reasonable time for that purpose not exceeding fourteen days.

Fraudulent contracts.

26. (1) Any native who, while under contract of service to one employer, shall knowingly enter the service of another employer, shall on conviction, be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding three months.

(2) Any employer who knowingly engages and takes into his service a native, while the latter is still bound by a contract of service to another employer, shall on conviction be liable to a fine not exceeding fifty pounds, and in default of payment, to imprisonment, with or without hard labour, for a term not exceeding six months.

27. (1) Any native who shall be guilty of any of the acts or offences following, shall, upon conviction, be liable to a fine not exceeding ten pounds, or to imprisonment, with or without hard labour, for a period not exceeding three months: that is to say

Penalties or offences by natives.

- (a) If he shall be in unlawful possession of or shall make use of any pass belonging to another.
- (b) If he shall falsely state that he has not previously been registered, or shall make any other false statement, or commit any act with the object of deceiving a Pass Officer.
- (c) If he shall hand over his own pass to any other native to be put to use by the latter.
- (d) If he shall be found in any district without some pass issued in pursuance of the provisions of this Ordinance

28. (1) Upon the death or desertion of any native the person in whose employ he was at the time he died or deserted shall as soon as possible report such fact for registration to the Pass Office by which his pass to seek work was issued.

Registration of deaths and desertions.

(2) At every Pass Office a book shall be kept for the registration of native deaths, and the Pass Officer in charge thereof shall notify the fact of the death of a native to the Pass Office of the District where the Certificate of Registration was originally issued to such native.

29. (1) Any native who has lost his pass or certificate of registration, or whose pass or certificate of registration may become damaged or destroyed, may apply for a new one, which shall be supplied on payment of a fee of one shilling, provided the Pass Officer to whom application is made is satisfied of the identity and *bona fides* of the applicant.

Procedure when Pass lost.

(2) If the loss of the pass or certificate of registration be due to the employer, the latter shall pay the aforesaid fee.

30. Upon the desertion of any native from service the employer shall without unnecessary delay give notice thereof to the nearest convenient Pass Officer, and forward any pass of such native which may be in his possession to such Pass Officer.

Notification of desertions.

31. Any person guilty of any of the acts or offences following shall, upon conviction, be liable to a fine not exceeding fifty pounds, or in default of payment, to imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and imprisonment: that is to say, if he shall,

Penalties for offences by employers and others.

- (1) Withhold a pass or certificate of registration from any native entitled thereto: or
- (2) Unlawfully or improperly deprive any native of any pass or certificate of registration in his possession belonging to him: or
- (3) Destroy, alter, imitate, mutilate, or in any way improperly tamper with any pass or certificate of registration belonging to a native, whether in his employ or not: or
- (4) Forge any pass or certificate of registration, or utter any counterfeit pass or certificate of registration: or
- (5) Grant a permit to any native who is not in his employ to visit or travel: or
- (6) Defraud any native of his wages, or deduct therefrom any sum of money not authorised to be deducted: or

(3) Any native desiring to leave his district for the purpose of visiting another district shall obtain a pass to travel from the Magistrate or Pass Officer of his district.

9. No native shall, save as is in this Ordinance excepted, leave the Territory unless he be in possession of a pass duly granted for that purpose. Natives who leave territory to have passes.

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- (2) Any native to whom a certificate of exemption has been granted as provided for by this Ordinance.
- (3) Any native driver, leader, or groom, in the employ of a European master whilst actually engaged as such, and producing a note or permit signed by his employer.
- (4) Any native owner of a vehicle accompanying such, and the driver or leader thereof while actually engaged as such.
- (5) Children apparently under the age of fourteen years accompanying their parents.

- (b) Prescribing the various forms of passes, certificates of registration, returns, and documents requisite or necessary.
- (c) Prescribing the fee to be payable by means of stamps not exceeding the value of two shillings, in respect to certificates of exemption or registration.
- (d) Designating the officers who are to discharge or perform the duties of Pass Officers, and the area in which they may exercise the powers or perform the duties assigned to them.
- (e) Generally for carrying out the provisions of this Ordinance.

37. This Ordinance shall be read as one with the "Natives Registration Ordinance, 1901;" provided that in the several towns in which the said Ordinance shall be in force the provisions thereof, if in conflict with any provision contained in this Ordinance, shall serve for the determination of any question arising.

Effect of Natives  
Registration Or-  
dinance.

38. This Ordinance may be cited for all purposes as the "Natives Pass Ordinance, 1902," and shall come into operation upon such date as shall be fixed by the Administrator by notice in the *Gazette*.

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