

1913

The Pathfinder Movement of the South African Boy Scouts Association.
Die Padvinder Beweging van Die Suid Afrika Verkennerseunsvereniging.

TRANSCVAAL DIVISION.
TRANSCVAALSE AFDELING.

PATRON—BESKERMER :
H.E. THE RT. HON THE EARL OF CLARENDON.
G.C.M.G.

CHIEF PATHFINDER SOUTH AFRICA :
HOOPADVINDER SUID AFRIKA :
J. D. RHEINALLT-JONES, M.A.

REFERENCE }
VERWYSING }



DIVISIONAL PATHFINDER :
AFDELINGS PADVINDER :
THE REV. CANON S. P. WOODFIELD, M.A.
HON. DIVISIONAL SECRETARY :
ERE AFDELINGS SEKRETARIS :
L. V. GAUNTLETT.

DIVISIONAL HEADQUARTERS :
AFDELINGS HOOFKWARTIERE :

P.O. Box } 631.
POSBUS } JOHANNESBURG.
TELEGRAMS }
TELEGRAMME } "SCOUTCRAFT."

Revis Uniforms

Diocesan Training College,
Grace Dieu,
Pietersburg.
7th. ~~February~~ 1934.
March

The Chief Pathfinder,
P. O. Box 1176,
Johannesburg.

My dear "Chief",

I have to acknowledge with thanks the receipt of your two communications:

- (a) Draft copy of Regulations for the Training of Officers, and
- (b) Draft copy of the "Protection of Names, Uniforms and Badges Act. 1930."

With regard to the first, apart from certain minor alterations as shewn on the enclosed copy I do not think that there is much to criticise at this juncture. As you know, I had already been consulted by Kuhne, and several of my initial suggestions are incorporated in the draft copy. I have ventured to alter the title of your own contribution, because I have looked in vain for any definite "appeal" ! Nor do I think that an appeal is necessary at the beginning of definite regulations.

While I agree with you that it would be a pity to add an extra burden to the Bantu folk I do feel that it is necessary to safeguard our badges and uniforms, and I see no fault to find with the proposed act. After all, I take it that no one will be sufficiently concerned to see that the Law is kept in this particular unless he happens to be a member of the Movement, and I take it that such folk can be trusted to see that discretion is used in the application thereof. Moreover, the Act falls alike on European and Native, and the good of the greater number must be considered.

Yours fraternally,

S. P. Woodfield

DIVISIONAL PATHFINDER.(TVL.)

From

The Principal

~~XXXXXXXXXXXXXXXXXXXX~~
E.A. Ball. M. Sc.



~~THE TRAINING SCHOOL~~

~~ZORN BLOEM COLLEGE~~

~~CAPE TOWN~~

March 11th 1934.

x
W. Kempson
Bill

The Chief Pathfinder,
P.O. Box 1176,
Johannesburg.

My dear Chief:

I hasten to acknowledge your letter No. 37 of the 3rd. instant.

I fear there is nothing to be done in the way of amendment to the draft for there is a necessity for some such Act to protect the existing privileges of so many organisations.

There is however, as you ^{fear, I feel,} suggest the possibility that some of our members may offend against the Act in wearing the Scout uniform. I can see that danger but it seems to me the only way out is to ensure that the Scouts grant Pathfinders the privilege of wearing the full ~~uniform~~ uniform. I am sorry the matter has to be approached again but the circumstances apparently warrant it.

I understand that down here there is a strong feeling that the privilege should be granted. I think you will also have support from the Border Division, though the matter, from this new angle, has not been approached.

If this were granted then your fears would be groundless. At present if the Bill is passed then I agree endless trouble will be possible.

With my very kind regards and respectful greetings,

Yours sincerely,

E. A. Ball

No. 1587/PF/ 1236

DEPARTMENT OF NATIVE DEVELOPMENT,

P.O. BOX 686,

SALISBURY.

12th March, 1934.

The Chief Pathfinder,
Pathfinder Headquarters Council,
P.O. Box 1176,
Johannesburg.

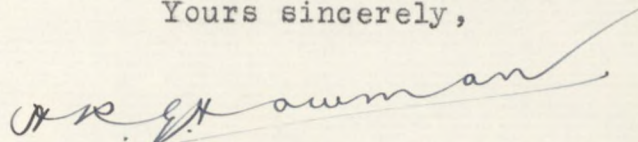
Dear Sir,

I am directed to acknowledge with thanks your letter No. 37 of the 3rd instant under cover of which you submitted a copy of the draft Bill proposed for the protection of names, badges, uniforms etc.

This draft Bill has been carefully considered but it is felt no special points call for comment. It is presumed that the terms of Section 4 (2) imply that any administrative official will take into consideration the good faith of any person found contravening the provisions of the Act.

It is fully agreed that measures which may have the effect of adding to the list of offences for which Natives, without real evil intent, may be penalised, should be guarded against and any steps taken towards minimising this aspect of the Bill would be welcomed.

Yours sincerely,



Divisional Pathfinder Secretary,
Pathfinder Council of S. Rhodesia.

TELEGRAPHIC ADDRESS:
TELEGRAMADRES:
" EDUCATION."



IN YOUR REPLY PLEASE QUOTE
BY ANTWOORD GELIEWE AAN TE HAAL

No. ED.....
O.D.

DM/CH.

P.O. Box 395,
Postbus
Pietermaritzburg,

..... March 20, 1934.

Chief Pathfinders,
P.O. Box 1176,
Johannesburg.

Dear Chief,

**Protection of Names, Uniforms
and Badges Bill.**

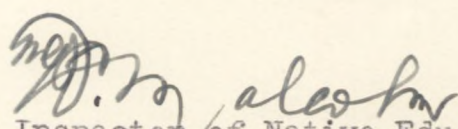
In reply to your letter of the 3rd instant, on the above subject, I have read over the draft and on the face of it, it appears quite an innocent measure and one which we should welcome.

I suggest that when time for application for registration of the Pathfinder movement comes we should do it through the Boys' Scout Association.

It is probable that Natives might inadvertently commit the offence of wearing emblems and badges protected by the Bill and thus render themselves liable to a fine, so Pathfinders might render a service to the people by warning them against the danger.

I am glad to see that no alternative of imprisonment is mentioned.

Yours sincerely,


Chief Inspector of Native Education.

W. M. M. M. M.

BILL

TO

PROTECT THE NAMES, UNIFORMS, BADGES, AND DISTINCTIVE COLOURS OF CERTAIN ASSOCIATIONS AND EDUCATIONAL INSTITUTIONS FROM USE BY UNAUTHORISED PERSONS.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Protection of Name, Uniform, etc., of Associations.

1.—(1) The Minister may, if he deem fit, on the application of any association or educational institution, by notice in the Gazette, protect:—

- (a) the name of the association or educational institution;
- (b) any special name or designation used by the association or educational institution for the members thereof, or for the members of any organisation constituted by the association or educational institution in pursuance of its rules or regulations;
- (c) any uniform with distinctive markings or badges used by the association or educational institution and described in the notice;
- (d) any badge to be worn without uniform used by the association or educational institution and described in the notice;

provided that nothing in this Act or in any such notice shall deprive any *bona fide* organisation of the right to use any name, designation, uniform or badge which, at the commencement of this Act, was in regular use by that organization.

(2) Any notice issued under sub-section (1) may, by notice in the Gazette, from time to time, be amended or revoked at the discretion of the Minister.

Form of Application

2.—(1) The application to be made in terms of Section one by any association or educational institution shall be made in such manner and give such information as the Minister may direct, and there shall be affixed thereto a revenue stamp of the value of £1 sterling.

(2) Any association or educational institution making application for the protection of a uniform shall, together with the application, furnish such particulars of the uniform, both in respect of form and colour, as may clearly indicate what are the precise extent and limits of the protection applied for.

Publication of Application

3.—(1) Upon the receipt of any application in terms of Section two, the Minister shall, by notice in the Gazette, publish the same for general information, and shall in such notice invite any person affected or likely to be affected by the grant of the application, to lodge particulars of such objection within one month of the date of the publication of such notice at a place specified therein.

(2) Before granting any such application, the Minister shall consider any objection lodged in terms of sub-section (1).

Unauthorised use of Protected Badges, etc.

4.—(1) Where the use by any association or educational institution of any name, designation, uniform or badge has been protected under this Act, no person shall without the authority of the association or educational institution so protected use the name, designation, uniform or badge the use of which is protected, or any name, designation, uniform, or badge so closely resembling the name, designation, uniform, or badge the use of which is protected as to lead to the belief that it is that name, designation, uniform or badge.

(2) Any person who acts in contravention of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

(3) Nothing in this Section shall be deemed to prevent any person from wearing or using any uniform, badge or distinctive marking in the course or for the purpose of a stage play or representation, or a music-hall or circus performance, pageant or production of a cinematograph film, provided that the uniform, badge or distinctive mark is not worn or used in such a manner or under such circumstances as to bring it into contempt.

Savings.

5.—(1) No notice shall be given under Section *one* protecting any article (other than a badge) used by an association or educational institution in connection with or as part of the uniform of its members in respect of which or any part of which any design has been and remains registered under the Patents, Designs, Trade Marks and Copyright Act, 1916, or any amendment thereof, unless the owner of such registered design is ready and willing to permit and does permit the use of such registered design by any person, firm or corporation willing to supply such article to any member or members of such association or educational institution.

(2) Nothing in this Act shall prevent the continued use of any mark or device not protected under the Patents, Designs, Trade Marks and Copyright Act, 1916, or any amendment thereof, which has been *bona fide* used as a trade mark before the commencement of this Act.

**Inter-
pre-
tation of
Terms.**

6.— In this Act, unless inconsistent with the context—

“Association or educational institution” means an association or educational institution formed for promoting education, art, science, religion, charity, sport, or any other purpose not associated with political aims.

“Minister” means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act.

“Badge” means any design, distinctive mark, or colours, adopted by an association and produced by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or by any other means whatever.

“Uniform” includes caps, blazers, hatbands, girdles, or any other article of apparel containing distinctive colours.

“Distinctive” shall mean adopted to distinguish members of one association or educational institution from those of other associations or educational institutions.

Short title. 7.— This Act may be cited as the Protection of Names, Uniforms, and Badges Act, 1930.

B I L L

to

PROTECT THE NAMES, UNIFORMS, BADGES AND DISTINCTIVE
COLOURS OF CERTAIN ASSOCIATIONS AND EDUCATIONAL
INSTITUTIONS FROM USE BY UNAUTHORISED PERSONS.

BE IT ENACTED by the King's Most Excellent Majesty, the
Senate and the House of Assembly of the Union of South
Africa, as follows:-

Protection of
name, Uniform,
etc. of
Associations.

1. (1) The Minister may, if he deem fit, on the application of any Association or Educational Institution, by notice in the Gazette, protect:-
 - (a) the name of the Association or Educational Institution;
 - (b) any special name or designation used by the Association or Educational Institution for the members thereof, or for the members of any organisation constituted by the Association or Educational Institution in pursuance of its rules or regulations;
 - (c) any uniform with distinctive markings or badges used by the Association or Educational Institution and described in the notice;
 - (d) any badge to be worn without uniform used by the Association or Educational Institution and described in the notice;

provided that nothing in this Act or in any such notice shall deprive any bona fide organisation of the right to use any name, designation, uniform or badge which, at the commencement of this Act, was in regular use by the organisation.

(2) Any notice issued under sub-section (1) may, by notice in the Gazette, from time to time, be amended or revoked at the discretion of the Minister.

2. (1) The application to be made in terms of Section one by any Association or Educational Institution shall be made in such manner and give such information as the Minister may direct, and there shall be affixed thereto a revenue stamp of the value of £1 sterling.
- (2) Any Association or Educational Institution making application for the protection of a uniform shall, together with the application, furnish such particulars of the uniform, both in respect of form and colour, as may clearly indicate what are the precise extent and limits of the protection applied for.

Publication
of
Application.

3. (1) Upon the receipt of any application in terms of section two, the Minister shall, by notice in the Gazette, publish the same for general information and shall in such notice invite any person affected or likely to be affected by the grant of the application to lodge particulars of such objection within one month of the date of the publication of such notice at a place specified therein.
- (2) Before granting any such application, the Minister shall consider any objection lodged in terms of sub-section (1).

Unauthorised
use of
Protected
Badges, etc.

4. (1) Where the use by any Association or Educational Institution of any name, designation, uniform or badge has been protected under this Act, no person shall without the authority of the Association or Educational Institution so protected use the name, designation, uniform or badge, the use of which is protected, or any name, designation, uniform or badge so closely resembling the name, designation, uniform or badge, the use of which is protected as to lead to the belief that it is that name, designation, uniform or badge.
- (2) Any person who acts in contravention of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.
- (3) Nothing in this section shall be deemed to prevent any person from wearing or using any uniform, badge or distinctive marking in the course or for the purpose of a stage play or representation, or a music hall or circus performance, pageant or production of a cinematograph film, provided that the uniform, badge or distinctive mark is not worn or used in such a manner or under such circumstances as to bring it into contempt.

Savings.

5. (1) No notice shall be given under section one protecting any article (other than a badge) used by an Association or Educational Institution in connection with or as part of the uniform of its members in respect of which or any part of which any design has been and remains registered under the Patents, Designs, Trade Marks and Copyright Act 1916, or any amendment thereof, unless the owner of such registered design is ready and willing to permit and does permit the use of such registered design by any person, firm or corporation willing to supply such article to any member or members of such Association or Educational Institution.
- (2) Nothing in this Act shall prevent the continued use of any mark or device not protected under the Patents, Designs, Trade Marks and Copyright Act 1916, or any amendment thereof, which has been bona fide used as a trade mark before the commencement of this Act.

Interpretation 6.
of Terms.

In this Act, unless inconsistent with the context:-

"Association or Educational Institution" means an Association or Educational Institution formed for promoting education, art, science, religion, charity, sport, or any other purpose not associated with political aims.

"Minister" means the Minister of the Interior to whom the Governor-General may assign the administration of this Act.

"Badge" means any design, distinctive mark or colours, adopted by an Association and produced by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or by any other means whatever.

"Uniform" includes caps, blazers, hat-bands, girdles, or any other article of apparel containing distinctive colours.

"Distinctive" shall mean adopted to distinguish members of one Association or Educational Institution from those of other Associations or Educational Institutions.

Short Title, 7. This Act may be cited as the Protection of Names, Uniforms and Badges Act 1930.

28th August, 1930

B I L L

to

PROTECT THE NAMES, UNIFORMS, BADGES AND DISTINCTIVE
COLOURS OF CERTAIN ASSOCIATIONS AND EDUCATIONAL
INSTITUTIONS FROM USE BY UNAUTHORISED PERSONS.

BE IT ENACTED by the King's Most Excellent Majesty, the
Senate and the House of Assembly of the Union of South
Africa, as follows:-

Protection of
name, Uniform,
etc. of
Associations.

1. (1) The Minister may, if he deem fit, on the application of any Association or Educational Institution, by notice in the Gazette, protect:-
 - (a) the name of the Association or Educational Institution;
 - (b) any special name or designation used by the Association or Educational Institution for the members thereof, or for the members of any organisation constituted by the Association or Educational Institution in pursuance of its rules or regulations;
 - (c) any uniform with distinctive markings or badges used by the Association or Educational Institution and described in the notice;
 - (d) any badge to be worn without uniform used by the Association or Educational Institution and described in the notice;

provided that nothing in this Act or in any such notice shall deprive any bona fide organisation of the right to use any name, designation, uniform or badge which, at the commencement of this Act, was in regular use by the organisation.

(2) Any notice issued under sub-section (1) may, by notice in the Gazette, from time to time, be amended or revoked at the discretion of the Minister.

2. (1) The application to be made in terms of Section one by any Association or Educational Institution shall be made in such manner and give such information as the Minister may direct, and there shall be affixed thereto a revenue stamp of the value of £1 sterling.
- (2) Any Association or Educational Institution making application for the protection of a uniform shall, together with the application, furnish such particulars of the uniform, both in respect of form and colour, as may clearly indicate what are the precise extent and limits of the protection applied for.

Publication
of
Application.

3. (1) Upon the receipt of any application in terms of section two, the Minister shall, by notice in the Gazette, publish the same for general information and shall in such notice invite any person affected or likely to be affected by the grant of the application to lodge particulars of such objection within one month of the date of the publication of such notice at a place specified therein.
- (2) Before granting any such application, the Minister shall consider any objection lodged in terms of sub-section (1).

Unauthorised
use of
Protected
Badges, etc.

4. (1) Where the use by any Association or Educational Institution of any name, designation, uniform or badge has been protected under this Act, no person shall without the authority of the Association or Educational Institution so protected use the name, designation, uniform or badge, the use of which is protected, or any name, designation, uniform or badge so closely resembling the name, designation, uniform or badge, the use of which is protected as to lead to the belief that it is that name, designation, uniform or badge.
- (2) Any person who acts in contravention of sub-section(1) shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.
- (3) Nothing in this section shall be deemed to prevent any person from wearing or using any uniform, badge or distinctive marking in the course or for the purpose of a stage play or representation, or a music hall or circus performance, pageant or production of a cinematograph film, provided that the uniform, badge or distinctive mark is not worn or used in such a manner or under such circumstances as to bring it into contempt.

Savings.

5. (1) No notice shall be given under section one protecting any article (other than a badge) used by an Association or Educational Institution in connection with or as part of the uniform of its members in respect of which or any part of which any design has been and remains registered under the Patents, Designs, Trade Marks and Copyright Act 1916, or any amendment thereof, unless the owner of such registered design is ready and willing to permit and does permit the use of such registered design by any person, firm or corporation willing to supply such article to any member or members of such Association or Educational Institution.
- (2) Nothing in this Act shall prevent the continued use of any mark or device not protected under the Patents, Designs, Trade Marks and Copyright Act 1916, or any amendment thereof, which has been bona fide used as a trade mark before the commencement of this Act.

Interpretation 6.
of Terms.

In this Act, unless inconsistent with the context:-

"Association or Educational Institution" means an Association or Educational Institution formed for promoting education, art, science, religion, charity, sport, or any other purpose not associated with political aims.

"Minister" means the Minister of the Interior to whom the Governor-General may assign the administration of this Act.

"Badge" means any design, distinctive mark or colours, adopted by an Association and produced by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or by any other means whatever.

"Uniform" includes caps, blazers, hat-bands, girdles, or any other article of apparel containing distinctive colours.

"Distinctive" shall mean adopted to distinguish members of one Association or Educational Institution from those of other Associations or Educational Institutions.

Short Title, 7. This Act may be cited as the Protection of Names, Uniforms and Badges Act 1930.

28th August, 1930

Collection Number: AD1715

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974

PUBLISHER:

Collection Funder:- Atlantic Philanthropies Foundation

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.