

BECHUANALAND PROTECTORATE.

No. 65 of 1934.

(Promulgated 30th November, 1934.)

PROCLAMATION

By His Excellency the High Commissioner

Entitled the Evidence (United Kingdom, Foreign, Dominion and Colonial Documents) (Bechuanaland Protectorate) Proclamation, 1934.

Whereas it is desirable to make further provision with respect to the admissibility in evidence in the Bechuanaland Protectorate of entries contained in the public registers of other countries and with respect to the proof by means of duly authenticated official certificates of entries in such registers and in consular registers and of other matters;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. (1) The High Commissioner upon being satisfied with respect to any country that, having regard to the law of that country as to the recognition therein of public registers of the Bechuanaland Protectorate as authentic records and as to the proof of the contents of such registers and other matters by means of duly authenticated certificates issued by public officers of the Bechuanaland Protectorate, it is desirable in the interests of reciprocity to do so, may, with respect to public registers of that country and certificates issued by public officers therein, issue such a Notice as is hereinafter mentioned.

(2) A Notice issued under this section may provide that in all parts of the Bechuanaland Protectorate—

- (a) a register of the country to which the Notice relates, being such a register as is specified in the Notice, shall be deemed to be a public register kept under the authority of the law of that country and recognized by the courts thereof as an authentic record and to be a document of such a public nature as to be admissible as evidence of the matters regularly recorded therein;
- (b) such matters as may be specified in the Notice shall, if recorded in such a register, be deemed, until the contrary is proved, to be regularly recorded therein;
- (c) subject to any conditions specified in the Notice and to any requirements of rules of court a document purporting to be issued in the country to which the Notice relates as an official copy of an entry in such a register as is so specified, and purporting to be authenticated as such in the manner specified in the Notice as appropriate in the case of such a register, shall, without evidence as to the custody of the register or of inability to produce it and without any further proof, be received as evidence that the register contains such an entry;

(d) subject as aforesaid a certificate purporting to be given in the country to which the Notice relates as an official certificate of any such class as is specified in the Notice, and purporting to be signed by the officer, and to be authenticated in the manner, specified in the Notice as appropriate in the case of a certificate of that class, shall be received as evidence of the facts stated in the certificate;

(e) no official document issued in the country to which the Notice relates as proof of any matters for the proof of which provision is made in the Notice shall, if otherwise admissible in evidence, be inadmissible by reason only that it is not authenticated by the process known as legalisation.

(3) Official books of record preserved in a central registry and containing entries copied from original registers may, if those entries were copied by officials in the course of their duty, themselves be treated for the purposes of this section as registers.

(4) In this section the expression "country" means the United Kingdom, a Dominion, the Isle of Man, any of the Channel Islands, a British Colony or Protectorate, a Foreign Country, a Colony or Protectorate of a Foreign Country, or any Mandated Territory; provided that where a part of a country is under both a local and a central legislature, a Notice issued under this section may be issued as well with respect to that part, as with respect to all the parts under that central legislature.

(5) For the purpose of this Proclamation, the term "legalisation" shall mean the act by which a judge or competent officer—such as a notary, consul, magistrate or the like—authenticates a record or other matter in order that the same may be lawfully read in evidence.

(6) The High Commissioner may vary or revoke any Notice previously issued under this section.

2. In all parts of the Bechuanaland Protectorate entries made, whether before or after the commencement of the British Nationality and Status of Aliens Act, 1914, in any register kept by an officer in the diplomatic or consular service of His Majesty for the registration of the births and deaths of British subjects born or dying out of His Majesty's dominions may be proved by certified copies of such entries, and the copies of any such entries shall be evidence of any matters authorized to be inserted in the register.

3. This Proclamation may be cited for all purposes as the Evidence (United Kingdom, Foreign, Dominion, and Colonial Documents) (Bechuanaland Protectorate) Proclamation, 1934, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-sixth day of November One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency
the High Commissioner.

E. COHEN,
for Administrative Secretary.