

BECHUANALAND PROTECTORATE.

No. 13 of 1939.

(Promulgated 21st April, 1939.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Revised
Edition of the Laws Proclamation, 1939.

Whereas it is expedient to make provision for the preparation and publication of a Revised Edition of the Laws of the Bechuanaland Protectorate as in force on the first day of January, 1939:

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

1. In this Proclamation—

*Inter-
pretation.*

“Laws” includes all Orders-in-Council, Proclamations, and Notices in force in the Bechuanaland Protectorate on the first day of January, 1939;

“Revised Edition” means the edition of the laws of the Bechuanaland Protectorate to be prepared under the authority of this Proclamation.

2. (1) The High Commissioner shall, by writing under his hand, appoint a Commissioner for the purpose of preparing a new and revised edition of the laws of the Bechuanaland Protectorate, and making arrangements for the printing and publication thereof

*Appoint-
ment of
Commis-
sioner.*

(2) If the Commissioner appointed under this Proclamation shall die, resign or be otherwise unable to act, some fit and proper person may be appointed by the High Commissioner in his stead.

3. In the preparation of the revised edition the Commissioner shall have the following powers, that is to say:—

*Powers of
revision
vested
in the
Commis-
sioner.*

(1) To omit—

(a) all laws or parts of laws which have been repealed expressly or specifically or by necessary implication, or which have expired or have become spent or have had their effect;

(b) all repealing enactments contained in laws and also all tables or lists of repealed enactments, whether contained in Schedules or otherwise;

- (c) all preambles to laws, where such omission can in the opinion of the Commissioner be conveniently made;
 - (d) all enacting clauses, where such omission can in the opinion of the Commissioner be conveniently made;
 - (e) all enactments prescribing the date when any law or part of any law is to come into force, where such omission can in the opinion of the Commissioner be conveniently made; and
 - (f) all amending laws or parts of laws where the amendments effected by such laws or parts of laws have been embodied by the Commissioner in the laws to which they relate;
- (2) To consolidate into one law any two or more laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated law, and affixing such date thereto as may seem most convenient;
 - (3) To alter the order of sections in any law, and, in all cases where it is necessary to do so, to renumber the sections of any law;
 - (4) To alter the form or arrangement of any section of any law, either by combining it in whole or in part with another section or other sections or by dividing it into two or more sub-sections;
 - (5) To divide any law, whether consolidated or not, into parts or other divisions;
 - (6) To add a short title to any law which may require it, and, if necessary, to alter the short title of any law;
 - (7) To shorten and simplify the phraseology of any law;
 - (8) To correct grammatical and typographical mistakes in the existing copies of laws and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any laws;
 - (9) To make such adaptations of or amendments in any laws as may appear to be necessary or proper as a consequence of the establishment of the Union of South Africa, the Government of Eire or any other Government or country:

- (10) To make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any law into conformity with the circumstances of the Bechuanaland Protectorate;
- (11) To do all other things relating to form and method which may be necessary for the perfecting of the revised edition.

4. The Commissioner shall omit from the revised edition the Acts of the Colony of the Cape of Good Hope which were in force in the Bechuanaland Protectorate on the first day of January, 1939, by virtue of Proclamation No. 36 of 1909:

Acts of the Cape of Good Hope to be omitted, but to remain in force.

Provided that, anything in this Proclamation to the contrary notwithstanding, the said Acts shall remain in force in the Bechuanaland Protectorate until they shall have been expressly repealed.

5. There shall be attached to each Proclamation or Notice contained in the revised edition a number showing its place among the laws of the year to which it belongs.

Numbering of Proclamations and Notices.

6. (1) The powers conferred upon the Commissioner in section *three* shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any law or part of any law.

Mode of dealing with alterations of substance.

(2) Subject to the provisions of sub-section (4) of this section, in every case where any such alteration or amendment is, in the opinion of the Commissioner, desirable, the Commissioner shall draft a Proclamation or Notice, as the case may be, setting forth such alterations and amendments and authorising them to be made in the revised edition, and shall submit the same for the approval of the High Commissioner.

(3) Any such Proclamation or Notice may have reference to more laws than one, although such laws may not be in *pari materia*.

(4) In any case where any law, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire recasting, the Commissioner shall draft a Proclamation or Notice, as the case may be, and shall submit the same for the approval of the High Commissioner.

7. The Commissioner shall prepare and cause to be printed together in a separate volume or otherwise a chronological table of all the laws of the Bechuanaland Protectorate and full and complete indexes to the Proclamations and Notices contained in the revised edition.

Chronological table and indexes to revised edition.

Printing,
etc., of
revised
edition.

8. (1) The Commissioner shall, with the approval of the High Commissioner, make such arrangements as he may think expedient for the printing and binding of the revised edition.

(2) The High Commissioner shall give such directions as he may think fit with respect to the number of copies to be printed and the manner in which they shall be bound.

Bringing
into force
and
validity of
revised
edition.

9. (1) The Commissioner shall, as soon as the revised edition is completed, transmit a copy thereof to the High Commissioner.

(2) The High Commissioner may, by Notice in the *Gazette*, order that the revised edition shall come into force from such date as he may think fit.

(3) From the date named in such Notice, the revised edition shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only proper Statute Book of the Bechuanaland Protectorate in respect of laws in force on the first day of January, 1939.

Construc-
tion of
reference to
repealed or
affected
law.

10. Where, in any law or in any document of whatever kind, reference is made to any Proclamation or Notice repealed or otherwise affected by or under the operation of this Proclamation, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding Proclamation or Notice in the revised edition.

Expenses of
publication.

11. The High Commissioner may direct the payment of all expenses of and incidental to the preparation and publication of the revised edition.

Short title
and com-
mencement

12. This Proclamation may be cited as the Bechuanaland Protectorate Revised Edition of the Laws Proclamation, 1939, 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 Capetown this Fourteenth day of April, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. LESTER SMITH,
Acting Administrative Secretary.