

BECHUANALAND PROTECTORATE.

No. 13 OF 1942.

(Promulgated 20th March, 1942.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate General
Interpretation Proclamation, 1942.

Whereas it is expedient to make general provision for the construction of law and other instruments of a public character in the Bechuanaland Protectorate, and for the definition and interpretation of certain words and expressions and matters incidental thereto:

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

General Definitions.

1. In this Proclamation and in every other law (as hereinafter defined) and in all instruments of a public character, whether promulgated or made before or after the commencement of this Proclamation, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided—

- (1) "act" used with reference to an offence or civil wrong includes a series of acts, and words which refer to acts done extend to illegal omissions;
- (2) "~~administrative officer~~" means a District Commissioner or an Assistant District Commissioner;
- (3) "Attorney-General" means the Attorney-General for the High Commission Territories;
- (4) "Auditor" means the Auditor for the High Commission Territories;

- (5) "chapter", "part", "section" and "schedule" denote respectively a chapter, part, section of and schedule to the law in which the word occurs, and "sub-section" denotes a sub-section of the section in which the word occurs;
- (6) "christian name" means any name prefixed to a surname, whether received in Christian baptism or not;
- (7) "commencement" used with reference to a law means the day on which that law comes or came into operation; and that day shall, unless some other day is fixed by or under the law for the coming into operation thereof, be the day when the law was first published in the *Gazette* as a law;
- (8) "*Gazette*" means the *Official Gazette* of the High Commissioner;
- (9) "Government" means the Government of the Territory;
- (10) "High Commissioner" means His Majesty's High Commissioner for the Bechuanaland Protectorate;
- (11) "High Court" means the High Court of the Bechuanaland Protectorate;
- (12) "law" means and includes a Proclamation, Act, Ordinance or Order in Council, and any regulation, rule, bye-law or order made under the authority of a Proclamation, Act, Ordinance or Order in Council;
- (13) "month" means calendar month;
- (14) "native" means and includes any aboriginal native belonging to any tribe of Africa and all persons of mixed race living as members of any native community, tribe, kraal, village or location in the Territory;
- (15) "oath", "swear" and "affidavit" include and apply to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of an oath;
- (16) "person" includes any company or association or body of persons, corporate or unincorporate;
- (17) "prescribed" means prescribed by or under the law in which the word occurs;

- (18) " public holiday " means any day which, under the provisions of any law for the time being in force in the Territory, is or is appointed to be a public holiday;
- (19) " Resident Commissioner " means the Resident Commissioner of the Bechuanaland Protectorate;
- (20) " sale " and " sell " include exchange, barter and offering or exposing for sale;
- (21) " sign ", with reference to a person who is unable to write his name, includes mark;
- (22) " the Territory " means the Territory of the Bechuanaland Protectorate;
- (23) " will " includes a codicil;
- (24) " writing " and expressions referring to writing include printing, lithography, photography, and all other modes of representing or reproducing words in a visible form;
- (25) words importing the masculine gender include females;
- (26) words in the singular include the plural, and words in the plural include the singular;
- (27) " year " means a calendar year.

for other definitions see page 15

2. Where terms defined in any Proclamation are used in any regulations, rules, bye-laws or orders under such Proclamation, such terms shall have the meanings assigned to them by the Proclamation unless they are otherwise defined in such regulations, rules, bye-laws or orders or unless there is something in the subject or context inconsistent with such construction.

Definitions in Proclamation to apply to regulations, etc.

Commencement, Distance and Time.

3. When any law, or part of a law, or any warrant, scheme or notice granted or issued under a power conferred by any law, is expressed to come into operation on a particular day, it shall be construed as coming into operation immediately on the expiration of the day next preceding such day.

Time when Proclamation, etc., comes into operation.

4. In the measurement of any distance for the purposes of any law, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Measurement of distances.

Computation of time.

5. In computing time for the purposes of any law, unless the contrary intention appears—

- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;
- (b) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as "excluded days"), the period shall include the next following day not being an excluded day;
- (c) when any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the day next afterwards not being an excluded day;
- (d) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.

Powers and Appointments.

Construction of provisions as to exercise of powers and duties.

6. (1) Where any law confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where any law confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office or by a person duly appointed to act for him.

Power to appoint to include power to suspend or dismiss, etc.

7. Where by or under any law a power to make any appointment is conferred, then, unless the contrary intention appears, the authority having power to make the appointment shall also have power to remove, suspend, dismiss, reappoint or reinstate any person appointed by it in exercise of the power.

Official designation to include officer executing duties.

8. When reference is made in any law to any public officer by the term designating his office, such term shall include the officer for the time being executing the duties of such office or any portion of such duties.

or to do any other thing for the purposes of the law, such power may, unless the contrary intention appears, be exercised at any time after the promulgation of the law so far as may be necessary or expedient for the purpose of bringing the law into operation at the date of the commencement thereof, subject to the restriction that any appointment, instrument, notice, regulations, rules, bye-laws, orders or other thing made, issued, given or done under such power shall not, unless the contrary intention appears in the law or unless it is necessary for bringing the law into operation, have any effect until the law comes into

9. Whenever any change in title of any public office occurs, the High Commissioner, if occasion requires, may by Notice in the *Gazette* declare that such change of title shall take effect from a date specified in such Notice, and, with effect from such date, any reference in any law to the former title of such office shall be read and construed as a reference to that office by such new title as the High Commissioner may declare in such Notice.

Change
in title of
public
office.

*Repeal, Re-enactment and Amending
Legislation.*

10. Where any law repealing in whole or in part any former law is itself repealed, such last repeal shall not revive the former law unless words be added reviving the same.

Effect
of repeal.

11. Where any law repeals and re-enacts, with or without modification, any provisions of a former law, references in any other law to the provisions so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

References
to repealed
law to
apply to
substituted
law.

12. When any law amends or adds to any law, the amending law shall, so far as is consistent with the tenor thereof, and unless the contrary intention appears, be construed as one with the amended law.

Construc-
tion of
amending
law.

13. Where any law repeals any other law, in whole or in part, then, unless the contrary intention appears, such repeal shall not—

Repeal
of law
not to
affect
its past
operation.

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of any law so repealed or anything duly done or suffered under any law so repealed;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed under any law so repealed;
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing law had not been promulgated.

Short Title and Commencement.

Short title
and
commence-
ment.

22. This Proclamation may be cited as the Bechuanaland Protectorate General Interpretation Proclamation, 1942, 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 Cape Town this Fourteenth day of March, One thousand Nine hundred and Forty-two.

HARLECH,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

HON 121/44 - Sanitary Inspector to be Health Inspector
HON 266/43 } Assistant Resident Commissioner
Principal Medical Officer
Inspector of Police
} Asst. Inspector of Police
HON 136/45 } CVO to be PVO
} CAO to be PAO

regula-
tions, etc.,
made
under it.

repealing law, all regulations, rules, bye-laws and orders made or issued under the law so repealed shall remain in force, so far as they are not inconsistent with the repealing law, and, unless the contrary intention appears, until they shall have been repealed or have been replaced by regulations, rules, bye-laws or orders made or issued, as the case may be, under the provisions of the said repealing law.

Exercise
of
statutory
powers
between
promulga-
tion and
commence-
ment of
law.

16. Where any law is not to come into operation immediately on the promulgation thereof, and confers power to make any appointment, to make, grant or issue any instrument, to give notice or make regulations, rules, bye-laws or orders, to prescribe forms,