

## BECHUANALAND PROTECTORATE.

No. 53 of 1947.

(Promulgated 8th August, 1947.)

### PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER  
Entitled the Bechuanaland Protectorate Subordinate  
Courts (Amendment) Proclamation, 1947.

Whereas it is expedient to amend the Bechuanaland Protectorate Subordinate Courts Proclamation, 1938, hereinafter referred to as "the principal law":

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

1. The following section, numbered *eighty-one* A, is hereby inserted immediately after section *eighty-one* of the principal law:—

"Appeal by  
Prosecu-  
tor.

81A. (1) When a Subordinate Court has in any criminal proceedings given a decision in favour of the accused on any matter of law, the Attorney-General, or if a person or a body other than the Attorney-General or his representative was the prosecutor in those proceedings then that other prosecutor, may require the judicial officer to state a case for the consideration of the High Court setting forth the question of law and his decision thereon, and, if evidence has been heard, his findings of fact, in so far as they are material to the question of law.

(2) When such a case has been stated, the Attorney-General or other prosecutor, as the case may be, may appeal from that decision to the High Court.

(3) Sub-section (3) of section *eighty-one* shall apply to an appeal under sub-section (2) of this section.

(4) If an appeal under sub-section (2) is allowed, the Subordinate Court which gave the decision appealed from shall, subject to the provisions of sub-section (5), after giving sufficient notice to both parties, reopen the case

New  
section  
81A of  
Proclama-  
tion No. 51  
of 1938.

in which the decision was given and deal with it in the same manner as it should have dealt therewith if it had given a decision in accordance with the law as laid down by the High Court.

(5) In allowing such appeal, whether wholly or in part, the High Court may itself impose such sentence upon the respondent or make such order as the Subordinate Court ought to have imposed or made, or it may remit the case to the Subordinate Court and direct that Court to take such further steps as the High Court thinks proper."

Short title. 2. This Proclamation may be cited as the Bechuanaland Protectorate Subordinate Courts (Amendment) Proclamation, 1947.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Thirty-first day of July, One thousand Nine hundred and Forty-seven.

E. BARING,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.