

**THE INTERPRETATION AND GENERAL CLAUSES LAW, 1966**



No. 13



1966

I assent,

7th September, 1966

H.S. Norman-Walker,  
Her Majesty's Commissioner.

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**A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE CONSTRUCTION, APPLICATION AND INTERPRETATION OF WRITTEN LAW: TO MAKE CERTAIN GENERAL PROVISIONS WITH REGARD THERETO: AND FOR OTHER LIKE PURPOSES.**

(30th September, 1966)

ENACTED by the Legislature of Bechuanaland.

## **PART I**

### **PRELIMINARY**

#### **Short Title and Commencement**

- 1. This Law may be cited as the Interpretation and General Provisions Law, 1966, and shall come into operation on the 30th September, 1966.

### **Application**

2 (1) The provisions of this Law shall apply to every written law passed or made before or after its commencement, unless a contrary intention appears in this Law or in the written law concerned.

(2) The provisions of this Law shall apply to this Law as they apply to an Act passed after its commencement.

## **PART II**

### **GENERAL PROVISIONS OF INTERPRETATION**

#### **Definitions**

3. The following words and expressions shall have the meanings hereby assigned to them respectively, that is to say —

“Act” and “Act of Parliament” mean an enactment of Parliament ;

“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 ;

“administrative officer” means a Senior District Officer, a District Officer or a Cadet ;

“applied law” means a statute of the colony of the Cape of Good Hope, an Act of the Parliament of United Kingdom or a statutory or prerogative Order made in the United Kingdom, having effect as part of the law of Botswana ;

“Assistant Minister” means an Assistant Minister of the Government ;

“Attorney-General” means the Attorney-General of Botswana ;

“amend” includes repeal, add to or vary and the doing of any two or more of such things simultaneously or in the same written law ;

“Botswana” means the sovereign Republic of Botswana ;

“Chapter”, “Part”, “regulation”, “rule”, “Schedule” and “section” denote respectively a Chapter, Part, regulation, rule and section of, and a Schedule to, the written law in which the words occur ; and a “paragraph” and “subsection” denote respectively a paragraph of the regulation, rule, section or subsection, and a subsection of the section, in which the word occurs ;

- Chief*  
*for report* →
- “Cabinet” means the Cabinet established by the constitution ;
- “Chief Justice” means the Chief Justice of Botswana ;
- “Christian name” means any name prefixed to the surname whether received in Christian baptism or not ;
- “Coin” means any coin legally current in Botswana ;
- Commencement*  
*date* →
- “commencement” used with reference to any written law means the date on which the same came or comes into operation ;
- Constitution*  
*Act* →
- “Constitution” means the Constitution of Botswana as by law established ;
- “contravene” in relation to any requirement or condition prescribed in any written law or in any grant, permit, lease, licence or authority granted under any written law, includes a failure to comply with that requirement or condition ;
- “court” means any court of competent jurisdiction for Botswana ;
- “Court of Appeal” means the Court of Appeal for Botswana ;
- Crown Agents*  
*Act* →
- “Crown Agents” means the persons or body for the time being acting as Crown Agents for Oversea Governments and Administrations ;
- “definition” means the interpretation given by any written law to any work or expression ;
- District*  
*Commission*  
*Act 4/69* →
- “district” means any one of the administrative districts into which Botswana is divided by the President in exercise of powers conferred on him in that behalf under any written law ;
- “functions” includes powers and duties ;
- “Gazette” means the Botswana Government Gazette and includes any supplement to the Gazette and any matter referred to in the Gazette as being published with the Gazette ;
- “Government” means the Government of Botswana ;
- “Government Printer” means the Government Printer of Botswana and any other printer authorised by or on behalf of the Government to print any written law or any other document of the Government ;
- “High Court” means the High Court of Botswana ;
- “Judge” means a Judge of the High Court ;
- “Justice of Appeal” means a Judge of the Court of Appeal ;
- “Law” means a statute enacted by the legislature of the

Bechuanaland Protectorate, and includes an applied law and a Proclamation having the force of law made in respect of the Bechuanaland Protectorate by the High Commissioner for South Africa or the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland ;

“legal practitioner” means a person who has been admitted to practice as an advocate or attorney under the Legal Practitioners Proclamation (Cap. 146) and whose name is duly entered on the roll kept in pursuance of the provisions of that Proclamation ;

“magistrate” means any person empowered to preside over a subordinate court ;

“medical practitioner” means a medical practitioner duly registered as such under the provisions of any written law ;

“Minister” means a Minister of the Government and includes the President and the Vice-President ;

“month” means calendar month ;

“National Assembly” means the National Assembly of Botswana ;

“oath”, “swear” or “affidavit” includes and applies to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of an oath ;

“occupy” includes use, inhabit, be in possession of or enjoy the premises in respect whereof the word is used, otherwise than as a mere servant or for the purpose of the care, custody or charge thereof ;

“offence” means any act, attempt or omission punishable by law ;

“Parliament” means the Parliament of Botswana ;

“Permanent Secretary” means the holder of such an office as is referred to in section 52 of the Constitution; 53 .

“person” includes any company or association or body of persons, corporate or unincorporate ;

“police officer” means any member of the Botswana Police ;

“prescribed” means prescribed by the written law in which the word occurs ;

“public holiday” means any day which is a public holiday by virtue of the provisions of the Public Holidays Proclamation (Cap. 44) ;

“Public Seal” means the Public Seal of Botswana ;

“public office”, “public officer” and “public service” have the same meaning as in the Constitution ;

“Republic” means Botswana ;

“repeal” includes rescind, revoke, cancel or replace ;

“rules of court”, when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court ;

“sell” includes barter, exchange and offer to sell or expose for sale ;

“sign”, with reference to a person who is unable to sign his name, includes make his mark ;

“statutory declaration”, if made —

(a) in Botswana, means a declaration made under section 4 of the Justices of the Peace Proclamation (Cap. 49) or under section 3 of the Commissioners of Oaths Proclamation (Cap. 50) ;

(b) in the Commonwealth elsewhere than in Botswana, means a declaration made before a justice of the peace, notary public, commissioner for oaths or other person having authority therein under any law for the time being in force to take or receive a declaration ;

(c) in any other place, means a declaration made before a British consul or vice-consul, or before any person having authority under any Act of Parliament of the United Kingdom for the time being in force to take or receive a declaration ;

“statutory instrument” means any proclamation, regulation, order, rule or other instrument having legislative effect made under an Act, or Law, but does not include an appointment to any office ;

“subordinate court” means a court established under the Subordinate Courts Proclamation (Cap. 5) ;

“traditional authority” means a Chief, Sub-Chief, Chief’s representative or headman ;

*See Amend.*

“vessel” includes any ship or boat or other floating craft used for transport by water ;

“will” includes a codicil ;

“writing” and expressions referring to writing include printing, photography, lithography, typewriting and any other modes of representing or reproducing words in visible form ;

“written law” means an Act, Law or statutory instrument ;

“year” means a calendar year.

#### **Grammatical Variations, Gender and Number.**

4. (1) Where any word or expression is defined, the definition shall extend to the grammatical variations of the word or expressions so defined.

(2) Words and expressions importing the masculine gender include females.

(3) Words and expressions in the singular include the plural and words and expressions in the plural include the singular.

(4) The words “or” and “otherwise” shall be construed disjunctively and not as implying similarity, unless the word “similar” or some other word of like meaning is added.

#### **Service of Documents.**

5. (1) Where any written law authorises or requires any document to be served by post, the service shall be deemed to be effected by properly addressing, prepaying and posting, by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of the post.

(2) Where any written law authorizes or requires a document to be served on any person without directing it to be served in a particular manner, the service of that document may be effected either —

(a) by personal service ;

(b) by post ;

(c) by leaving it for him with some person apparently over the age of sixteen years at his usual or last-known place of abode or business ;

(d) in the case of a corporate body, or an association of persons whether incorporated or not, by delivering it to a director, the secretary or clerk of the body or association at the registered or principal office of the body or association, or serving it by post on such director, secretary or clerk at such office ; or

- (e) if it is not practicable, after reasonable enquiry, to discover the name or address of an owner, lessee or occupier of premises on whom the document should be served, by addressing the document to him by the description of owner or lessee or occupier of the premises (naming them) to which the document refers and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

### **PART III**

#### **GENERAL PROVISIONS REGARDING WRITTEN LAWS**

##### **Citation.**

6. (1) Where any Act, Law (other than an applied law) or statutory instrument is referred to, it shall be sufficient for all purposes to cite such Act, Law or statutory instrument by the short title, or citation, if any, by which it is made citable.

(2) An Act or Law contained in any revised edition of statutes prepared under the authority of any Act or Law may be cited by its chapter number in such edition.

##### **Citation of Acts of the Parliament of the United Kingdom.**

7. An Act of the Parliament of the United Kingdom having effect as part of the law of Botswana may be cited by its short title or citation, if any, or by reference to the regnal or calendar year in which it was passed and by its chapter or number.

##### **Schedules and Tables to be Part of Written Laws.**

8. Every Schedule or table in any written law, together with notes thereto, shall be construed and have effect as part of such written law.

##### **Subdivision of Written Laws.**

9. When a written law is divided into Chapters, Parts, or other subdivisions, the fact and particulars of such divisions and subdivisions shall, with or without express mention thereof in such written law, be taken notice of in all courts and for all purposes whatsoever.

##### **Repealed Written Law Not Revived.**

10. Where any written law repealing in whole or in part any

former written law is itself repealed, such last repeal shall not revive the written law or provisions before repealed unless words be added reviving such written law or provisions.

**Repeal of Amended Law to Include Amendments.**

11. Where any written law which has been amended by any other written law is itself repealed such repeal shall include the repeal of all other written laws by which such first-mentioned written law has been amended.

**Reference to Amended or Re-enacted Written Law.**

12. (1) Where in any written law a reference is made to another written law such reference shall be deemed to include a reference to such last-mentioned written law as the same may from time to time be amended.

(2) Where a written law repeals and re-enacts, with or without modification, any provision of a former written law, references in any other written law to the provisions so repealed shall be construed as references to the provisions so re-enacted.

**Effect of Repealing Written Law.**

13. Where a written law repeals in whole or in part any other written law the repeal shall not —

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

**Effect of Repeal of Written Law on Statutory Instrument Made Under it.**

14. Where any written law or part thereof is repealed any statutory instrument issued under or made in virtue thereof shall remain in force, so far as it is not inconsistent with the repealing written law, until it has been repealed by a statutory instrument issued or made under the provisions of such repealing written law, and shall be deemed for all purposes to have been made thereunder.

**Construction of Amending Written Law with Amended Written Law.**

15. Where one written law amends another written law, the amending written law shall, so far as it is consistent with the tenor thereof be construed as one with the amended written law.

**Effect of Expiry of Written Law.**

16. Upon the expiry of any written law the provisions of section 13 shall apply as if such written law had been repealed.

**PART IV**

**STATUTORY INSTRUMENTS**

**Publication of Statutory Instruments.**

17. Every statutory instrument shall be published in the *Gazette*.

**Commencement of Statutory Instruments.**

18. (1) Subject to the provisions of this section —

(a) the date of commencement of a statutory instrument shall be the date of its publication in the *Gazette* or, where a later date is specified therein, such later date; and

(b) every statutory instrument shall be deemed to come into force immediately on the expiration of the day next preceding the date of its commencement.

(2) A statutory instrument made and published on the date of commencement of the written law under which the instrument is made shall be deemed to come into force simultaneously with that written law.

(3) References in this section to the date of commencement of the written law under which a statutory instrument is made

shall, where different provisions of that written law come into force on different dates, be construed as references to the date of commencement of the particular provisions under which the instrument is made.

(4) The provisions of this section shall be without prejudice to the operation of section 29.

#### **General Provisions Relating to Statutory Instruments.**

19. (1) Any reference in a statutory instrument to "the Act", "the Law" or "the Proclamation" shall be construed as a reference to the Act, Law or Proclamation as the case may be, under which the instrument was made.

(2) Terms and expressions used in a statutory instrument shall have the same meaning as in the written law under which the instrument was made.

(3) A statutory instrument may at any time be amended or repealed by the authority by which it was made or, if that authority has been lawfully replaced by another authority, by that other authority.

(4) Any provision of the statutory instrument which is inconsistent with any provision of an Act or Law shall be void to the extent of the inconsistency.

(5) A statutory instrument may provide in respect of any contravention thereof that the offender shall be liable to a fine not exceeding fifty rand or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

(6) Any act done under or by virtue of or in pursuance of a statutory instrument shall be deemed to be done under or by virtue of or in pursuance of the written law conferring power to make the instrument.

(7) Every statutory instrument shall be deemed to be made under all powers thereunto enabling, whether or not it purports to be made in exercise of a particular power or particular powers.

(8) Where a written law confers power on any authority to make a statutory instrument for any general purpose, and also for any special purposes, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose.

#### **Reference to Written Law to Include Statutory Instruments.**

20. Any reference to a written law in any other written law

shall include a reference to any statutory instrument made under the written law to which reference is made.

**Rules to be Laid Before the National Assembly.**

21. (1) All rules, regulations and by-laws shall be laid before the National Assembly as soon as may be after they are made, and, if a resolution is passed within the next subsequent twenty-one days on which the National Assembly has sat after any such rule, regulation or by-law be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder, or to the making of any new rule, regulation or by-law.

(2) The reference to rules in sub-section (1) shall not include a reference to rules of court.

**PART V**

**POWERS AND DUTIES**

**A — Transfer, Delegation and Execution of Statutory Powers and Duties.**

**Transfer.**

22. (1) Subject to the provisions of section 24, where by or under any written law, any specified Minister or public officer is empowered to exercise any power or to perform any duty, the President may, by Order, transfer such power or such duty to —

- (a) a specified Minister ;
- (b) a Minister, without specifying which Minister ; or
- (c) a specified public officer.

(2) Where an Order is made under this section, the written law in respect of which it is made shall be read and construed in respect of any time on or after the date upon which the Order has effect as if the written law were amended in conformity with the Order :

Provided that nothing in such Order or this sub-section shall affect the validity of the delegation, by a previous holder, of any such power or duty, but the same shall continue of force and effect as if the power or duty had been delegated by the current holder of the power or duty, until revoked by an authority having power in that behalf, or until it expires.

### **Delegation.**

23. (1) Subject to the provisions of section 24, a Minister may, by Order, delegate to any other person the exercise of any power or the performance of any duty vested in him by any written law.

(2) An Order made under this section may be made subject to such conditions, qualifications or exceptions as may be prescribed therein.

(3) A Minister may exercise a power or perform a duty notwithstanding that he has delegated the exercise or performance thereof to some other person.

### **Exceptions.**

24. (1) The President shall not transfer the exercise of any power or the performance of any duty —

- (a) conferred or imposed upon him or a Minister by the Constitution; or
- (b) which he is expressly prohibited from transferring by any written law; or
- (c) of a judicial nature.

(2) A Minister shall not delegate the exercise of any power or the performance of any duty —

- (a) conferred or imposed on him by the Constitution; or
- (b) to make any statutory instrument or to hear appeals; or
- (c) which he is expressly prohibited from delegating by any written law.

### **Reference to Unspecified Minister.**

25. A reference in any written law to a Minister not specified by or under that or any other written law shall be construed as a reference to the Minister for the time being responsible for the matter in connection with which the reference is made.

### **Certificate of Attorney-General.**

26. A certificate of the Attorney-General that the responsibility for any matter has been assigned to the Vice-President or any other Minister specified in the certificate, or has been retained by the President, shall be *prima facie* evidence in all courts and for all purposes of the matters stated therein.

## **B — Signification.**

### **Signification on Behalf of President.**

27. Where by or under any written law any function is conferred or imposed on the President the exercise or performance of such function by the President may be signified under the hand of the Vice-President, a Minister, an Assistant Minister or a Permanent Secretary;

*Repealed*

Provided that Proclamations, grants and warrants shall be issued only under the hand of the President

### **Signification on Behalf of Vice-President or Minister.**

28. Where by or under any written law any function is conferred or imposed on the Vice-President or any other Minister the exercise or performance of such function by the Vice-President or Minister may be signified under the hand of an Assistant Minister or a Permanent Secretary.

## **C — General.**

### **Exercise of Power Between Publication and Commencement of Law.**

29. Where by any Act which is not to come into force immediately on the publication thereof there is conferred —

- (a) a power to make or a power exercisable by making statutory instruments ; or
- (b) a power to make appointments ; or
- (c) a power to do any other thing for the purposes of the Act ;

that power may be exercised at any time on or after the date of publication of the Act in the *Gazette* .

Provided that no instrument, appointment or thing made or done under that power shall, unless it is necessary to bring the Act into Force, have any effect until the commencement of the Act.

### **Time for Exercise of Power.**

30. Where any written law confers any power or imposes any duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

**Implied Power.**

31. Where any written law confers a power on any person to do or enforce the doing of an act or thing, all such powers shall be understood to be also given as are reasonable necessary to enable the person to do or enforce the doing of the act or thing.

**Power to Appoint Includes Power to Remove.**

32. Where by any written law a power to make any appointment is conferred, the authority having power to make the appointment shall also have power (subject to any limitations or qualifications which affect the power of appointment) to remove, suspend, reappoint or reinstate any person appointed in the exercise of the power.

**Power to Appoint Alternate or Temporary Members.**

33. Where by or under any written law any board, commission, committee, council or similar body, whether corporate or unincorporate, is established any person who is by such written law empowered to appoint any or all of the members thereof may —

- (a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend;
- (b) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence from Botswana or other cause from exercising his functions as such;

and when attending any meeting of such board, commission, committee, council or body, such alternate or temporary member shall be deemed for all purposes to be a member of the same.

**Power to Appoint Chairman, etc.**

34. Where by any written law a power is conferred on any authority to appoint the members of any board, commission, committee, council or similar body whether corporate or unincorporate, that authority may appoint a chairman, a vice-chairman and a secretary of the same.

**Appointment by Name or Office.**

35. Where by any written law any authority is empowered to appoint a person —

- (a) to exercise any power or perform any duty; or

(b) to be a member of any board, commission, committee, or similar body, whether corporate or unincorporate; or

(c) to be or do any other thing;

that authority may make the appointment either by appointing a person by name or by appointing the holder of an office by the term designating his office; and any such appointment of the holder of an office shall be construed as the appointment of the person for the time being lawfully holding, acting in or performing the functions of the office.

**Reference to Holder of Office Includes a Person Discharging Functions of Office.**

36. Any reference in a written law to the holder of an office by the term designating his office shall be construed as a reference to the person for the time being lawfully holding, acting in or performing the functions of the office.

**Power of Majority.**

37. Where by any written law any act or thing may or is required to be done by more than two persons, a majority of them may do it.

**Powers of Board, etc., Not Affected by Vacancy, etc.**

38. Where by or under any written law any board, commission, committee, council or similar body, whether corporate or unincorporate, is established, the powers of such board, commission, committee, council or body shall not be affected by —

(a) any vacancy in the membership thereof; or

(b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member thereof.

**PART VI**

**GENERAL PROVISIONS REGARDING TIME AND DISTANCE**

**Standard Time.**

39. Words in any written law relating to time and references therein to a point of time, shall be construed as relating to standard time as used in Botswana, that is to say, two hours in advance of Greenwich Mean Time.

**Computation of Time.**

40. In computing time for the purpose of any written law —

- (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 on 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) where 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 next day afterwards, not being an excluded day.

**Provision Where no Time Prescribed.**

41. Where no time is prescribed or allowed within which anything shall be done, such thing shall be done without unreasonable delay, and as often as due occasion arises.

**Construction of Power to Extend Time.**

42. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend such time, then, unless a contrary intention appears, such power may be exercised by the court or other authority although the application for the same is not made until after the expiration of the time prescribed.

**Measurement of Distance.**

43. In the determination of any distance for the purpose of any written law, the measured distance shall be reduced to that distance which would be recorded if the distance were measured in a straight line on a horizontal plane.

*Section 43(1) amended by Act No. 10 of 1988*

**PART VII**

**GENERAL PROVISIONS REGARDING LEGAL PROCEEDINGS**

**Ex-officio Proceedings Not to Abate on Death, etc.**

44. Any civil or criminal proceedings taken by or against any person in virtue of his office shall not be discontinued or abated by his death, resignation or absence or removal from office, but may be carried on by or against, as the case may be, the person for the time being holding that office.

**Imposition of a Penalty no Bar to Civil Action.**

45. The imposition of a penalty or fine by or under the authority of any written law shall not, in the absence of express provision to the contrary, relieve any person from liability to answer for damages to any person injured.

**Provisions as to Offences Under Two or More Laws.**

46. Where an act or omission constitutes an offence against any two or more written laws or both under a written law and or any customary law, the offender shall be liable to be prosecuted and punished under either or any of such written laws or under customary law, but shall not be liable to be punished twice for the same offence.

**Amendment of Penalty.**

47. Where an act or omission constitutes an offence and the penalty for such offence is amended between the time of the commission of such offence and the conviction therefor, the offender shall in the absence of express provision to the contrary be liable to the penalty prescribed at the time of the commission of such offence.

**Penalties Prescribed shall be Maximum Penalties, but may be Cumulative.**

48. (1) Where in any written law a penalty is prescribed for an offence under that written law such provision shall mean that the offence shall be punishable by a penalty not exceeding the penalty prescribed.

(2) Where in any written law more than one penalty is prescribed for an offence, the use of the word "and" shall mean that the penalties may be inflicted alternatively or cumulatively.

**Disposal of Forfeits.**

49. Where under the provisions of any written law any animal or any thing is adjudged by any court or other authority to be forfeited, it shall, in the absence of express provision to the contrary, be forfeited to the Republic and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the general revenues of the Republic.

**Disposal of Fines and Penalties.**

50. Any fine or penalty imposed by or under the authority of any written law shall, in the absence of express provision to the contrary, be paid into the general revenues of the Republic.

### **Evidence of Signature of Attorney-General.**

51. Where under any written law the consent or authority of the Attorney-General is necessary before any action or prosecution is commenced, any document purporting to be the consent or authority of the Attorney-General shall be received as *prima facie* evidence in any proceedings without proof being given that the signature to such consent or authority is that of the Attorney-General.

## **PART VIII**

### **MISCELLANEOUS GENERAL PROVISIONS**

#### **Deviation From Forms.**

52. Save as is otherwise expressly provided, whenever any form is prescribed by any written law, an instrument or document which purports to be in such form shall not be void by reason of any deviation therefrom which does not affect the substance of such instrument or document or which is not calculated to mislead.

#### **Gazette, etc., to be Prima Facie Evidence.**

53. The production of a copy of the *Gazette* containing any written law, purporting to be printed by the Government Printer, shall be *prima facie* evidence in all courts and for all other purposes whatsoever of the due making and tenor of such written law.

#### **Provision in Statutory Instruments Relating to Fees.**

54. (1) Where any written law confers power on any person to make any statutory instrument and provision may be made by such statutory instrument in respect of fees or other charges, such statutory instrument may provide for all or any of the following matters —

- (a) specific fees or charges ;
- (b) maximum or minimum fees or charges ;
- (c) maximum and minimum fees or charges ;
- (d) *ad valorem* fees or charges ;
- (e) the payment of fees or charges either generally or under specified conditions or in specified circumstances ; and
- (f) the reduction, waiver or refund, in whole or in part, of any

such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.

(2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for, such reduction, waiver or refund may be expressed to apply or to be applicable either generally or specifically.—

- (a) in respect of certain matters or transactions or classes of matters or transactions ;
- (b) in respect of certain documents or classes of documents ;
- (c) when any event happens or ceases to happen ;
- (d) in respect of certain persons or classes of persons ; or
- (e) in respect of any combination of such matters, transactions, documents, events or persons ;

and may be expressed to apply or to be applicable subject to such conditions as may be specified in the statutory instrument or in the discretion of any person specified therein.

#### **Power to Issue Licences, etc., Subject to Conditions.**

55. Where any written law confers a power to issue any licence, permit or authorization, then, unless a contrary intention appears, such licence, permit or authorization may be issued subject to such conditions, not inconsistent with that law, as the authority issuing it deems expedient.

#### **Savings of Rights of Republic.**

56. No written law shall in any manner whatsoever affect the rights of the Republic unless it is therein expressly provided or unless it appears by necessary implication that the Republic is bound thereby.

#### **This Law to Bind the Republic.**

57. This Law shall bind the Republic.

#### **Repeal of Cap.2 and Law No.2 of 1965 and Statutory Instruments.**

58. The General Interpretation Proclamation and the Transfer of Powers Law, 1965, are repealed, and all statutory instruments made thereunder revoked.

Passed by the Legislative Assembly this day,  
the 23rd August, 1966.

**G T. MATENGE,**  
Clerk of the Legislative Assembly.