

Namibia

Procedure and Evidence Proclamation, 1938

Proclamation 8 of 1938

Legislation as at 30 June 1967

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Published in Official Gazette 747 on 16 April 1938

Assented to on 5 April 1938

Commenced on 16 April 1938

**[This is the version of this document from 30 June 1967 and
includes any amendments published up to 8 May 2024.]**

[Amended by General Laws Amendment Ordinance, 1954 (Ordinance 11 of 1954) on 7 July 1954]

[Amended by Supreme Court Act, 1959 (Act 59 of 1959) on 1 January 1960]

[Amended by Civil Proceedings Evidence Act, 1965 (Act 25 of 1965) on 30 June 1967]

[Repealed by Abolition of Payment by Cheque Act, 2022 (Act 16 of 2022) on 15 March 2023]

[Only sections 7 and 8 (the short title) remain.]

[The remainder of the substantive provisions of the Act have been repealed:]

[• the South Africa Supreme Court Act 59 of 1959 repealed section 4,]

[• the South African Civil Proceedings Evidence Act 25 of 1965 repealed sections 1-3 and 5,]

**[• the South African Maintenance Amendment Act 39 of 1970
repealed section 6, as amended by the Ord. 11 of 1954 (OG 1846).]**

PROCLAMATION

BY HIS HONOUR DAVID GIDEON CONRADIE,

ADMINISTRATOR OF SOUTH WEST AFRICA

[This Proclamation has no long title. The date of signature appears at the bottom of the Proclamation.]

WHEREAS it is desirable further to amend the law relating to the rules of evidence and procedure that are to be observed in Courts of law in Civil and Criminal proceedings, and to provide for the enforcement of maintenance orders issued out of Courts of law;

NOW THEREFORE, under and by virtue of the powers in me vested; I do hereby proclaim, declare and make known as follows:-

7.

In any criminal proceedings arising out of the fact that a cheque drawn upon a bank has been dishonoured, the onus shall be upon the accused person to prove that he had good and sufficient reason to believe that the said cheque would be met by the said bank upon the due date.

8.

This Proclamation shall be called the Procedure and Evidence Proclamation, 1938.

GOD SAVE THE KING

Given under my hand and seal at Windhoek, this 5th day of April, 1938.

D. G. CONRADIE,

Administrator.