

CHAPTER 10:03
EVIDENCE (COMMONWEALTH AND FOREIGN
ACTS OF STATE AND JUDGMENTS)
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Proof of Commonwealth or foreign judgments, documents, etc.
3. Admissibility in evidence of Commonwealth or foreign judgments, documents, etc.

HCN 68, 1910,
S.I. 28, 1969.

An Act to make provision for the proof of certain acts of state, judgments and documents.

[Date of Commencement: 5th September, 1910]

1. Short title

This Act may be cited as the Evidence (Commonwealth and Foreign Acts of State and Judgments) Act.

2. Proof of Commonwealth or foreign judgments, documents, etc.

All proclamations, treaties and other acts of state of a Commonwealth or a foreign country and judgments, decrees, orders and other judicial proceedings of a Commonwealth or a foreign court and affidavits, pleadings and other legal documents filed or deposited in such court, may be proved in any court in Botswana or before any person having by law or consent of the parties authority to hear, receive, and examine evidence by examined or authenticated copies.

3. Admissibility in evidence of Commonwealth or foreign judgments, documents, etc.

Where any document referred to in section 2 which is sought to be proved is-

- (a) a proclamation, treaty or other act of state, for the authenticated copy to be admissible in evidence it must purport to be sealed with the seal of the Commonwealth or foreign country to which the original document belongs; and
- (b) a judgment, decree, or order or other judicial proceeding of any Commonwealth or foreign court, or any affidavit, pleading or other legal document filed or deposited in such court, for the authenticated copy to be admissible in evidence, it must purport either to be sealed with the seal of the Commonwealth or foreign court to which the original document belongs, or if the court has no seal, then it must be signed by the judge or one of the judges of the court, who must attach a statement in writing on the copy that the court has no seal.