

**CHAPTER 14:03**  
**FOREIGN DOCUMENTS EVIDENCE**  
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Reciprocal arrangements for acceptance of registers of public documents between Botswana and other countries
3. Proof of birth

Proc. 65, 1934,  
Cap. 11, 1948,  
Cap. 10, 1959,  
L.N. 84, 1966.

**An Act making provision for the admissibility in evidence of entries contained in the public registers of other countries and for the proof by duly authenticated official certificates of the entries in such registers and in consular registers and of other matters.**

*[Date of Commencement: 30th November, 1934]*

**1. Short title**

This Act may be cited as the Foreign Documents Evidence Act.

**2. Reciprocal arrangements for acceptance of registers of public documents between Botswana and other countries**

(1) The President, upon being satisfied with respect to any country that, having regard to the law of that country as to the recognition therein of public registers of Botswana as authentic records and as to the proof of the contents of such registers and other matters by means of duly authenticated certificates issued by public officers of Botswana, it is desirable in the interests of reciprocity to do so, may, with respect to public registers of that country and certificates issued by public officers therein, make such order as is hereinafter mentioned.

(2) An order issued under this section may provide that in all parts of Botswana-

- (a) a register of the country to which the order relates, being such a register as is specified in the order, shall be deemed to be a public register kept under the authority of the law of that country and recognized by the courts thereof as an authentic record, and to be a document of such a public nature as to be admissible as evidence of the matters regularly recorded therein;
- (b) such matters as may be specified in the order shall, if recorded in such a register, be deemed, until the contrary is proved, to be regularly recorded therein;
- (c) subject to any conditions specified in the order and to any requirements of rules of court a document purporting to be issued in the country to which the order relates as an official copy of an entry in such a register as is so specified, and purporting to be authenticated as such in the manner specified in the order as appropriate in the case of such a register, shall, without evidence as to the custody of the register or of inability to produce it and without any further proof, be received as evidence that the register contains such an entry;
- (d) subject as aforesaid a certificate purporting to be given in the country to which the order relates as an official certificate of any such class as is specified in the order, and purporting to be signed by the officer, and to be authenticated in the manner, specified in the order as appropriate in the case of a certificate of that class, shall be received as evidence of the facts stated in the certificate;
- (e) no official document issued in the country to which the order relates as proof of any matters for the proof of which provision is made in the order shall, if otherwise

admissible in evidence, be inadmissible by reason only that it is not authenticated by the process known as legalisation.

(3) Official books of record preserved in a central registry and containing entries copied from original registers may, if those entries were copied by officials in the course of their duty, themselves be treated for the purposes of this section as registers.

(4) For the purposes of this Act, the term "legalisation" means the act by which a judge or competent officer, such as a notary, consul, magistrate or the like, authenticates a record or other matter in order that the same may be lawfully read in evidence.

(5) The President may vary or revoke any order previously made under this section.

### **3. Proof of birth**

In all parts of Botswana entries made, whether before or after the commencement of the British Nationality Acts, 1948 to 1981, in any register kept by an officer in the diplomatic or consular service of the United Kingdom for the registration of the births and deaths of British subjects born or dying outside the United Kingdom may be proved by certified copies of such entries, and the copies of any such entries shall be evidence of any matters authorized to be inserted in the register.