

CHAPTER 14:04
GENERAL LAW (CAPE STATUTES) REVISION
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Application of certain Cape Statutes to Botswana to be discontinued
3. Saving
4. Extent of continuance

Proc. 2, 1959,
Cap. 36, 1959,
L.N. 84, 1966.

An Act to provide that certain laws of the Colony of the Cape of Good Hope which are in force in Botswana but are obsolete, or otherwise unnecessary in the circumstances of Botswana, should no longer be in force therein.

[Date of Commencement: 1st January, 1959]

1. Short title

This Act may be cited as the General Law (Cape Statutes) Revision Act.

2. Application of certain Cape Statutes to Botswana to be discontinued

All laws enacted by the legislative authority of the Colony of the Cape of Good Hope, in force in Botswana by virtue of the provisions of the General Law Proclamation, 1909, other than-

- (a) laws which, notwithstanding that they may have been made before the 10th day of June, 1891, have been applied to Botswana, or to anything in Botswana, by some other law; and
- (b) the laws specified in the Schedule (to the extent set out in the third column thereof), shall from the commencement of this Act no longer be in force in Botswana.

3. Saving

Nothing in this Act shall-

- (a) revive anything not in force or existing at the date of its commencement;
- (b) affect the previous operation within Botswana of any law the application of which to Botswana is hereby discontinued;
- (c) affect any right, privilege, obligation or liability (other than a liability to criminal prosecution or the right to bring such a prosecution) acquired, occurred or incurred under any law so discontinued;
- (d) be construed as affecting the continued application of the Roman-Dutch common law in Botswana, or of any other laws other than enactments of the legislative authority of the Colony of the Cape of Good Hope which were in force in the Colony of the Cape of Good Hope on the 10th day of June, 1891, and were in force in Botswana on the 1st January, 1959.

4. Extent of continuance

The laws continuing in force by virtue of section 2(a) and the Schedule, shall so continue *mutatis mutandis*, and so far as they are not inapplicable.

SCHEDULE

<i>Number and Year of Law</i>	<i>Subject Matter</i>	<i>Extent to which it (subject to the provisions of the General Law Proclamation, 1909), remains in force</i>
1. Ordinance 62, 1829	Age of Majority	The whole.
2. Ordinance 72, 1830	Law of Evidence	The preamble, sections 1-4, 6, 13, 17, 19,

5. Act 4, 1861	Law of Evidence	25, 32, 34-40, 42, 43-48, insofar as they do not relate to or affect evidence or witnesses in criminal proceedings. The preamble, sections 4, 7-9, 10 (excluding the proviso), 12, 13, 15-18, insofar as they do not relate to or affect evidence or witnesses in criminal proceedings.
6. Act 5, 1861	Tacit Hypothecs	The whole.
7. Act 26, 1873	Law of Inheritance	The whole.
8. Act 23, 1874	Law of Inheritance	The whole.
9. Act 21, 1875	Antenuptial Contracts	The preamble, sections 1, 2, 5, 9-13.
10. Act 21, 1877	Law of Evidence	The whole insofar as it does not relate to or affect evidence in criminal proceedings. The preamble, sections 2-4, section 6 insofar as it does not affect inferior courts, sections 8 and 9.
11. Act 8, 1879	General Law Amendment	The preamble, sections 2-4, section 6 insofar as it does not affect inferior courts, sections 8 and 9.
12. Act 10, 1879	Powers of Attorney	The whole, excluding section 1.
13. Act 29, 1879	Lunatics	The whole, excluding section 4.
14. Act 41, 1882	Telegraphic Messages	The preamble, sections 1, 2, insofar as they do not relate to criminal warrants, summonses and other criminal process, section 8.
15. Act 5, 1884	Transfer Duty	The whole, as amended by the Transfer Duty Reduction Act, 1896, applied to Botswana by section 5 of the Land Registration and Transfer Proclamation (Chapter 89 of 1948) and as amended by the Bechuanaland Transfer Duty (Amendment) Proclamation, 1955 (85 of 1955).