

eSwatini

## Evidence (Foreign Documents) Act, 1934

### Act 66 of 1934

Legislation as at 1 December 1998

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## eSwatini

# Evidence (Foreign Documents) Act, 1934

Act 66 of 1934

Commenced on 30 November 1934

*[This is the version of this document at 1 December 1998.]*

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

### 1. Short title

This Act may be cited as the Evidence (Foreign Documents) Act, 1934.

### 2. Interpretation

Unless the context otherwise requires—

"**country**" means the United Kingdom, a commonwealth country or protectorate the Isle of Man, any of the Channel Islands, a foreign country, a colony or protectorate of a foreign country, or any mandated territory;

Provided that where part of a country is under both a local and a central legislature, a notice issued under this section may be issued as well with respect to such part, as with respect to all the parts under such central legislature;

"**legislation**" 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 it may be lawfully read in evidence;

"**Minister**" means the Prime Minister.

### 3. Reciprocal arrangements for acceptance of registers of public documents between Swaziland and other countries

(1) The Minister upon being satisfied with respect to any country that, having regard to the law of such country as to the recognition therein of public registers of Swaziland 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 Swaziland it is desirable in the interests of reciprocity to do so, may, with respect to public registers of such country and certificates issued by public officers therein, issue a notice as is hereinafter mentioned.

(2) Such notice may provide that in all parts of Swaziland—

- (a) a register of the kind and of the country which the notice relates, shall be deemed to be a public register kept under the authority of the law of such country and recognised by the courts thereof as an authentic record, and to be a document of such a public nature as to be admissible in evidence of the matters regularly recorded therein;
- (b) the matters specified in such notice shall, if recorded in such register, be deemed, until the contrary is proved, to be regularly recorded therein;
- (c) subject to any conditions specified in such notice and to any requirements of the rules of court, a document purporting to be issued in the country to which such notice relates as an official copy of an entry in such a register and purporting to be authenticated as such in the manner specified in such notice as appropriate in the case of such register, shall, without

evidence as to the custody of such register or of inability to produce it and without any further proof, be received as evidence that such register contains such entry;

- (d) subject to paragraphs (a), (b) and (c), a certificate purporting to be given in the country to which such notice relates as an official certificate of any such class as is specified therein, and purporting to be signed by such officer, and to be authenticated in the manner, specified in such notice as appropriate in the case of a certificate of such class, shall be received as evidence of the facts stated in such certificate;
  - (e) no official document issued in the country to which such notice relates as proof of any matters for the proof of which provision is made therein shall, if otherwise admissible in evidence, be inadmissible by reason only that it is not authenticated by legalisation.
- (3) Official books of record preserved in a central registry and containing entries copied from original registers may, if such entries were copied by officials in the course of their duty, be treated for the purposes of this section as registers.

#### **4. Proof of birth**

- (1) In all parts of Swaziland entries made, whether before or after the commencement of the British Nationality and Status of Aliens Act, 1914, in any register kept by an officer in the diplomatic or consular service of Her Britannic Majesty for the registration of the births and deaths of British subjects born or dying out of Her Majesty's dominions may be proved by certified copies of such entries and the copies of any such entries shall be evidence of any matters authorised to be inserted in such register.
- (2) In all parts of Swaziland entries made in any register kept by an officer in the diplomatic or consular services of His Majesty the King of Swaziland for the registration of the births and deaths of citizens of Swaziland born or dying outside Swaziland may be proved by certified copies of such entries, and the copies of any such entries shall be evidence of any matters authorised to be entered in such register.

*[Amended L.N.8/1969]*