

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 788.

7 May 1993

No. 788.

7 Mei 1993

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 62 of 1993: Documentary Evidence from Countries in Africa Act, 1993.

No. 62 van 1993: Wet op Dokumentêre Getuienis uit Lande in Afrika, 1993.

ACT

To provide for the admissibility in the Republic of documentary evidence emanating from certain countries in Africa; and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 29 April 1993.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—

- (i) “designated country” means a country in Africa designated by the Minister in terms of section 4(a); (i) 5
- (ii) “document” includes any affidavit, certificate, record, photograph, book, map, plan, drawing and any documentary recording or transcribed computer printout produced by any mechanical or electronic device and any device by means of which information is recorded or stored; (ii) 10
- (iii) “Minister” means the Minister of Justice. (iii)

Documents emanating from designated countries are deemed to have their origin in Republic

2. Notwithstanding anything to the contrary in any Rules of Court made or in force under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), or in any other law, but subject to the provisions of section 3, any document purporting to have been prepared, attested, certified, compiled or executed in a designated country shall, for the purposes of its admissibility as evidence in any civil or criminal proceedings in the Republic, be deemed to have been prepared, attested, certified, compiled or executed in the Republic. 20

Conditions for admissibility in Republic of certain foreign documents

3. If under any law a document is admissible in evidence in civil or criminal proceedings if it has been prepared, attested, certified, compiled or executed by a particular institution or by a person holding a particular office, possessing a particular qualification, performing a particular function or engaged in a particular activity, a similar document emanating from a designated country shall, for the purposes of such law and subject to the provisions of section 4, be admissible only if it appears on the face thereof to have been prepared, attested, certified, compiled or executed by an institution in the designated country in question or by a person in such country holding an office, possessing a qualification, performing a function or engaged in an activity equivalent to the corresponding institution in the Republic or to the office, qualification, function or activity of the corresponding person in the Republic, contemplated in such law. 30

Minister may designate certain countries and declare institutions, offices, qualifications, functions or activities in designated country as equivalent to institutions, offices, qualifications, functions or activities in Republic

4. The Minister may, for the purposes of this Act, by notice in the *Gazette*—

Act No. 62, 1993 DOCUMENTARY EVIDENCE FROM COUNTRIES IN AFRICA ACT, 1993

- (a) designate any country in Africa; and
- (b) declare that a particular institution, office, qualification, function or activity in a designated country is equivalent to an institution, office, qualification, function or activity in the Republic mentioned in such notice.

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Short title and commencement

5. This Act shall be called the Documentary Evidence from Countries in Africa Act, 1993.