



Republic of Namibia
Annotated Statutes

Procedure and Evidence Proclamation 8 of 1938, sections 7-8

[\(OG 747\)](#)

came into force on date of publication: 16 April 1938

Only sections 7 and 8 (the short title) remain.

The remainder of the substantive provisions of the Act have been repealed:

- the South Africa Supreme Court Act 59 of 1959 repealed section 4;
- the South African Civil Proceedings Evidence Act 25 of 1965 repealed sections 1-3 and 5;
- the South African Maintenance Amendment Act 39 of 1970 repealed section 6, as amended by Ord. 11 of 1954 ([OG 1846](#)).

The Abolition of Payment by Cheque Act 16 of 2022 ([GG 7995](#)), which has not yet been brought into force, will repeal the remaining portions of this Act.

PROCLAMATION

BY HIS HONOUR DAVID GIDEON CONRADIE,
ADMINISTRATOR OF SOUTH WEST AFRICA

[This Proclamation has no long title.
The date of signature appears at the bottom of the Proclamation.]

ARRANGEMENT OF SECTIONS

[The provisions in this Proclamation have no headings.]

WHEREAS it is desirable further to amend the law relating to the rules of evidence and procedure that are to be observed in Courts of law in Civil and Criminal proceedings, and to provide for the enforcement of maintenance orders issued out of Courts of law;

NOW THEREFORE, under and by virtue of the powers in me vested; I do hereby proclaim, declare and make known as follows:-

Procedure and Evidence Proclamation 8 of 1938, sections 7-8

7. In any criminal proceedings arising out of the fact that a cheque drawn upon a bank has been dishonoured, the onus shall be upon the accused person to prove that he had good and sufficient reason to believe that the said cheque would be met by the said bank upon the due date.

8. This Proclamation shall be called the Procedure and Evidence Proclamation, 1938.

GOD SAVE THE KING

Given under my hand and seal at Windhoek, this 5th day of April, 1938.

D. G. CONRADIE,
Administrator.