



Republic of Namibia
Annotated Statutes

Criminal Procedure Ordinance 34 of 1963, sections 300(3) and 370

(OG 2504)

brought into force on 1 July 1965 by Proc. 33/1965 (OG 2632)

as amended by

Criminal Procedure Act 51 of 1977 (RSA) (RSA GG 5532)

brought into force on 22 July 1977 by RSA Proc. R.148 of 1977 (RSA GG 5654)

Act 51 of 1977 repeals the whole of Ord. 34 of 1963,
with the exception of sections 300(3) and 370.
(See section 344 and Schedule 4 of Act 51 of 1977.)

ORDINANCE

To consolidate the laws relating to procedure and evidence in criminal proceedings and matters incidental thereto.

[The only remaining sections of this Ordinance deal with perjury and peace bonds.]

*(Assented to 5th August, 1963)
(English text signed by the Administrator)*

ARRANGEMENT OF SECTIONS

		Section
Chapter XVI	Indictments, Summonses and Charges [only section 300(3) remaining]	285-309
Chapter XXI	General and Supplementary [only section 370 remaining]	362-378

[The individual sections of this Ordinance have no headings;
only the chapters are given headings.]

Criminal Procedure Ordinance 34 of 1963, sections 300(3) and 370

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925 (Act 42 of 1925), of the Republic of South Africa, as follows:-

300. (1)

[subsection (1) repealed by Act 51 of 1977]

(2)

[subsection (2) repealed by Act 51 of 1977]

(3) If a person has made any statement on oath whether orally or in writing, and he thereafter on another oath makes another statement as aforesaid, which is in conflict with such firstmentioned statement, he shall be guilty of an offence and, may, on a charge alleging that he made the two conflicting statements, and upon proof of those two statements and without proof as to which of the said statements was false, be convicted on the evidence of one witness of such offence and punished with the penalties prescribed by law for the crime of perjury, unless it is proved that when he made each statement he believed it to be true.

[The word "firstmentioned" is misspelt in the *Official Gazette*, as reproduced above.]

370. (1) Whenever a complaint on oath is made to a magistrate that any person is conducting himself violently towards, or is threatening injury to the person or property of another or that he has used language or behaved in a manner towards another likely to provoke a breach of the peace or assault, then whether such conduct occurred or such language was used or such threat was made in a public or private place, the magistrate may order such person to appear before him and if necessary may cause him to be arrested and brought before him, and thereupon the magistrate shall enquire into and determine upon such complaint and may place the parties or any witnesses thereat on oath and in his discretion may order the person against whom the complaint is made to give recognizances with or without sureties in an amount not exceeding fifty rand for a period not exceeding six months to keep the peace towards the complainant and refrain from doing or threatening injury to his person or property.

(2) The magistrate may, upon any such enquiry, order the person against whom the complaint is made or the complainant to pay the costs of and incidental to the enquiry.

(3) If any person after having been ordered to give recognizances under this section refuses or fails to do so the magistrate may order him to be committed to prison for a period not exceeding one month unless such security is sooner found.

(4) If the conditions upon which the recognizances were given are not observed by the person who gave the same, the magistrate may declare the recognizances to be forfeited and any such declaration of forfeiture shall have the effect of a judgment in a civil action in the magistrate's court of the district.