

eSwatini

Attestation of Documents Act, 1895

Act 7 of 1895

Legislation as at 1 December 1998

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Contents

1. Short title 1

2. Who may witness deeds 1

3. Powers of attorney 1

4. Women to be competent 1

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There are multiple commencements

Provisions	Status
Section 1â2	commenced on 24 August 1895.
Section 3	commenced on 5 April 1935.
Section 4	not yet commenced.

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

[Repealed by [Wills Act, 1955 \(Act 12 of 1955\)](#) on 1 March 1955]

An Act to make provision regarding the attestation of documents and to validate testamentary and other deeds.

1. Short title

This Act may be cited as the Attestation of Documents Act, 1895*.

2. Who may witness deeds

Subject to [section 3](#), every male person above the age of sixteen years, and competent to give evidence in any court in Swaziland shall be competent to attest notarial and other contracts, deeds and documents.

3. Powers of attorney

No person shall be competent to attest a power of attorney by which he is appointed agent or attorney, or from which he draws any advantage.

4. Women to be competent

- (1) Notwithstanding any other law, it shall be competent for women above the age of sixteen years to be witnesses to any testamentary deed, notarial deed registrable or capable of being recorded in a deeds registry, and other contracts, deeds and documents.
- (2) The validity of any testamentary deed, notarial deed and other contract, deed and document which may, prior to the commencement of this Act, have been so witnessed shall not be affected by reason that the witnesses to such deeds have been women.

NOTE: Law 7 of 1895, which came into force in August, 1895, originally included a "will or other testamentary deed" in the provisions now contained in [section 2](#) above. These provisions relating to wills were repealed by [Ordinance 14 of 1903](#), which provided that any person "whether male or female" above the age of fourteen years should be competent to witness a will. This Ordinance was repealed by the Wills Act [No. 12 of 1955](#). Thus it seems that when deciding whether any will executed in Swaziland has been competently witnessed, consideration will have to be given to the date of execution and the ages of the witnesses at that time.