

Evidence Amendment Act 1945

Public Act 1945 No 16
Date of assent 24 November 1945

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

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An Act to amend the Evidence Act 1908

1 Short Title and commencement

- (1) This Act may be cited as the Evidence Amendment Act 1945, and shall be read together with and deemed part of the Evidence Act 1908 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of January 1946.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Part 1 Documentary evidence

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

2 Interpretation

- (1) In this Part of this Act—

Court *[Repealed]*

Court: this definition was repealed, as from 1 July 1997, by section 17 Arbitration Act 1996 (1996 No 99).

Document includes books, maps, plans, drawings, and photographs

Proceedings *[Repealed]*

Proceedings: this definition was repealed, as from 1 July 1997, by section 17 Arbitration Act 1996 (1996 No 99).

Statement *[Repealed]*

Statement: this definition was omitted by section 21(2) Evidence Amendment Act (No 2) 1980.

- (2) *[Repealed]*

Compare: Evidence Act 1938 (UK), s 6

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Subsection (2) was repealed by section 21(1)(b) of the Evidence Amendment Act (No 2) 1980.

- 3 *[Repealed]*

Sections 3 and 4 were repealed by section 21(1)(b) of the Evidence Amendment Act (No 2) 1980.

- 4 *[Repealed]*

Sections 3 and 4 were repealed by section 21(1)(b) of the Evidence Amendment Act (No 2) 1980.

5 Proof of instrument to validity of which attestation is necessary

Subject as hereinafter provided, in any proceedings, whether civil or criminal, an instrument to the validity of which attestation is requisite may, instead of

being proved by an attesting witness, be proved in the manner in which it might be proved if no attesting witness were alive:

Provided that nothing in this section shall apply to the proof of wills or other testamentary documents.

Compare: Evidence Act 1938, s 3 (UK)

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

6 Presumption as to documents 20 years old

- (1) In any proceedings, whether civil or criminal, there shall, in the case of a document proved or purporting to be not less than 20 years old, be made any presumption which immediately before the commencement of this Act would have been made in the case of a document of like character proved or purporting to be not less than 30 years old.

- (2) *[Repealed]*

Compare: Evidence Act 1938, s 4 (UK)

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Subsection (2) was repealed by section 7(2) of the Evidence Amendment Act 1952.

Part 2

Affidavits and documents of servicemen overseas

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

7 Interpretation

In this Part of this Act, unless the context otherwise requires,—

Affidavit *[Repealed]*

affidavit: this definition was repealed by section 32(1) Oaths and Declarations Act 1957.

Member, in relation to any of Her Majesty's naval, military, or air forces, includes any person who by the law of the country to which the force belongs is subject to the naval, military, or air force law thereof.

Member: In the definition of this term, the reference to Her Majesty has been updated from a reference to His Majesty.

Oath *[Repealed]*

oath: this definition was repealed by section 32(1) Oaths and Declarations Act 1957.

Swear *[Repealed]*

swear: this definition was repealed by section 32(1) Oaths and Declarations Act 1957.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

8 *[Repealed]*

Section 8 was repealed by section 32(1) of the Oaths and Declarations Act 1957.

9 Verification of documents executed by servicemen outside New Zealand

- (1) Every document of any kind duly executed outside New Zealand (whether before or after the commencement of this Act) by a member of any of Her Majesty's naval, military, or air forces, whether raised in New Zealand or elsewhere, shall, so far as regards the execution thereof, be admissible in evidence in any Court in New Zealand, or before any person acting judicially—
 - (a) If it purports to have been executed outside New Zealand before an officer of any of the said forces who holds rank not below that of Lieutenant-Commander, Major, or Squadron Leader, or an equivalent rank, or who holds an appointment as a Legal Staff Officer; or
 - (b) If there is endorsed thereon or annexed thereto a declaration of the due execution thereof outside New Zealand purporting to be made by an attesting witness before any such officer as aforesaid.
- (2) It shall be presumed that any signature subscribed to any document tendered in evidence under this section is genuine, and that any person appearing to have attested the document had in fact authority to attest it, unless the party objecting to the admission of the document proves the contrary.
- (3) The provisions of this section shall be in addition to and not in derogation of the provisions of section 6 of the Evidence Amendment Act 1952, or section 166 of the Land Transfer Act 1952, or any other enactment.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

In subsection (1) the reference to Her Majesty has been updated from a reference to His Majesty.

In subsection (3), section 6 of the Evidence Amendment Act 1952 has been substituted for the repealed section 119 of the Property Law Act 1908.

In subsection (3), section 166 of the Land Transfer Act 1952 has been substituted for the repealed section 176 of the Land Transfer Act 1915.

10 Revocation of Evidence Emergency Regulations 1941

The following regulations are hereby revoked as from the commencement of this Act, namely:

- (a) The Evidence Emergency Regulations 1941:
- (b) The Evidence Emergency Regulations 1941, Amendment No 1:
- (c) The Evidence Emergency Regulations 1941, Amendment No 2.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Part 3 Miscellaneous

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Proof of official documents, etc

11 Judicial notice of signatures of Governor-General, Ministers, Judges, etc

- (1) All Courts and persons acting judicially shall take judicial notice of the signature of any of the following persons when attached or appended to any official or judicial document, namely:
- (a) The Governor-General:
 - (b) Any responsible Minister of the Crown in New Zealand, being a member of the Executive Council:
 - (c) Any Judge of the High Court or of any other Court in New Zealand:
 - (d) Any Judge of any Superior Court in any other part of Her Majesty's dominions:
 - (e) The Solicitor-General:
 - (f) Any District Court Judge, and any Justice of the Peace or Community Magistrate sitting in Court.
- (2) This section is in substitution for section 45 of the principal Act, and that section is hereby accordingly repealed.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

In subsection (1)(d) the reference to Her Majesty has been updated from a reference to His Majesty.

Subsection (1)(f) was amended, as from 30 June 1998, by section 7 District Courts Amendment Act 1998 (1998 No 76) by inserting the words "or Community Magistrate".

11A Judicial notice of signature of Speaker

All Courts and persons acting judicially shall take judicial notice of the signature of the Speaker of the House of Representatives when attached or appended to any document pursuant to any power vested in the Speaker under any enactment or under the Standing Orders of the House of Representatives.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Section 11A was inserted by section 2 Evidence Amendment Act (No 2) 1988.

12 Evidence of official documents

Prima facie evidence of the making or issue of any official document purporting to be made or issued by any person purporting to be authorised or empowered in that behalf by or under any Act may be given in all Courts and in all legal proceedings in any of the following modes, that is to say:

- (a) By the production of the original document, or of one of 2 or more originals, purporting to be signed by the person who made or issued it:
- (b) By the production of a copy of the *Gazette* purporting to contain a copy of the document:
- (c) By the production of a copy of the document purporting to be printed by the Government Printer:
- (d) By the production of a written copy or extract purporting to be certified by the person who made or issued the document or by any other person purporting to possess the powers under which the document was made or issued.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

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This section amended s 46 of the principal Act.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

14

This section amended s 35 of the principal Act.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Evidence by husband or wife

15 *[Repealed]*

Section 15 was repealed by section 36(1)(b) Evidence Amendment Act (No 2) 1980.