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#### ANALYSIS

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1958, No. 17

### An Act to amend the Evidence Act 1908

[18 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Evidence Amendment Act 1958, and shall be read together with and deemed part of the Evidence Act 1908 (hereinafter referred to as the principal Act).

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**2. Extending cases in which wife of person charged with certain offences is a competent witness for prosecution**—Section five of the principal Act, as substituted by section two of the Evidence Amendment Act 1952, is hereby amended by omitting from subsection four the words “girl who was under the age of sixteen years at the time of the alleged offence and”, and substituting the words “woman or girl”.

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**3. Proof of public registers of other countries—**(1) The principal Act is hereby amended by repealing section forty-four A, as inserted by section four of the Evidence Amendment Act 1950, and substituting the following section:

“44A. (1) The Governor-General may from time to time, by Order in Council, apply the provisions of this section to any country specified in the Order.

“(2) Where the provisions of this section are applied to any country, the registers of that country relating to births, deaths, marriages, and adoptions (by whatever name those registers are called), and such other registers or books of record as may be specified in the Order in Council, shall be deemed to be public registers kept under the law of that country and recognised by the Courts thereof as authentic records, and to be documents of such a public nature as to be admissible as evidence of the matters regularly recorded therein; and the following provisions of this section shall apply.

“(3) Subject to any conditions or restrictions specified in the Order, any certified copy of any entry in any such register or book, or any certified extract therefrom, or any certificate relating to any such entry, shall, in any Court or before any person acting judicially, be received—

“(a) In the case of a register relating to births, deaths, marriages, or adoptions, as prima facie evidence of the birth, death, marriage, or adoption to which the copy, extract, or certificate relates:

“(b) In the case of any other register or book, as prima facie evidence of the facts stated in the copy, extract, or certificate.

“(4) Subject to any conditions or restrictions specified in the Order, and to any requirements of rules of Court, any document purporting to be such a copy or extract or certificate as aforesaid, and purporting to be certified—

“(a) In the case of a register relating to births, deaths, marriages, or adoptions, by the seal or signature of an official of the country specified in the Order; or

“(b) In the case of any other register or book, in the manner specified in the Order—

shall, for the purposes of subsection three of this section, be received in evidence without proof of the seal or signature of the person certifying the document, and without proof of the official or other character of that person.

“(5) No document otherwise admissible under this section shall be inadmissible by reason only that it is not authenticated by the process known as legalisation.

“(6) In this section, the term ‘country’ includes any State, territory, province, or other part of a country.”

(2) Section four of the Evidence Amendment Act 1950 is hereby consequentially repealed.

**4. Extending provisions as to proof of photographic copies of documents of Government or authorised persons**—Section five of the Evidence Amendment Act 1952 is hereby amended by inserting, after subsection four, the following subsection:

“(4A) A print, whether enlarged or not, from a film of any affidavit or statutory declaration made for any of the purposes of this section, and referring to the document photographed, shall be admissible in evidence in place of the original affidavit or declaration, if the photographic copy of the affidavit or declaration is on the same film or roll of film as the photographic copy of that document.”

**5. Repeal of section 34 of Infants Act 1908 (as to evidence of child of tender years)**—Section thirty-four of the Infants Act 1908 is hereby repealed.

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