

Evidence Amendment Act 1952

Public Act 1952 No 50
Date of assent 23 October 1952

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69).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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Repeals

An Act to amend the Evidence Act 1908

1 Short Title and commencement

- (1) This Act may be cited as the Evidence Amendment Act 1952, 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 1953.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69).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

Competency of witness

Section 2 was repealed by section 2(2)(a) of the Evidence Amendment Act 1987.

Photographic copies

3 Interpretation

For the purposes of the next 2 succeeding sections, unless the context otherwise requires,—

Authorised person*[Repealed]*

Authorised person: this definition was repealed by section 51(3)(a) Evidence Amendment Act (No 2) 1980.

[Repealed]

Document means a document in the nature of a business record; and includes any register, book, map, plan, drawing, or photograph of that nature; and also includes any part of any such document

Document: this definition was substituted by section 51(1) Evidence Amendment Act (No 2) 1980.

Film includes any photographic plate, microfilm, microfiche, or photostatic negative

Film: The word “microfiche” was inserted by section 51(2) Evidence Amendment Act (No 2) 1980.

Government means the Government of New Zealand; and includes the Maori Trustee, and every other Department or instrument of the Executive Government of New Zealand

Government: this definition was amended, as from 1 March 2002, by section 170(1) Public Trust Act 2001 (2001 No 100) by omitting “the Public Trustee,”. See clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Public record means any document of such a public nature as to be admissible in evidence on its mere production from the proper custody.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69).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).

4 Photographic copies of public records to be evidence

A print, whether enlarged or not, from a film of any public record produced or certified by the officer to whose custody the film is entrusted shall be admissible in evidence in all cases in which and for all purposes for which the public record would have been admissible.

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).

5 Proof of photographic copies of documents of Government and authorised persons

- (1) A print, whether enlarged or not, from a film taken of any document kept or held by the Government or any person shall be admissible in evidence in all cases in which and for all purposes for which the document would have been admissible, upon proof that—
 - (a) The document was in the custody or control of the person who photographed it or caused it to be photographed; and
 - (b) The film was taken in order to keep a permanent record of the document; and
 - (c) The document photographed was subsequently destroyed, whether deliberately or otherwise, or was so damaged as to be wholly or partly indecipherable, or was lost, or passed out of the custody or control of the Government or, as the case may be, the person having its custody or control.
- (2) Proof of compliance with the conditions prescribed by this section may be given in respect of any document or group of documents by any one or more of the employees of the Government or as the case may be, the person having the custody or control of the document or group of documents either orally or by affidavit or by statutory declaration.

- (3) The death of any person by whom an affidavit or statutory declaration has been made for the purposes of this section shall not affect the admissibility of the affidavit or declaration.
- (4) Unless the Court otherwise orders, a notarial copy of any affidavit or statutory declaration made for the purposes of this section shall be admissible in evidence in place of the original affidavit or declaration.
- (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 sufficiently identified with the document to which it relates.
- (5)

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 (1) was substituted by section 50(1) of the Evidence Amendment Act (No 2) 1980.

In subsection (2) the words “as the case may be, the person having the custody or control of the document or group of documents” were substituted for the words “authorised person” by section 51(3)(b) Evidence Amendment Act (No 2) 1980.

Subsection (4A) was inserted by section 4 of the Evidence Amendment Act 1958.

In subsection (4A) the words “is sufficiently identified with the document to which it relates” were substituted for the former words by section 50(2) Evidence Amendment Act (No 2) 1980.

Subsection (5) was repealed by section 51(3)(c) of the Evidence Amendment Act (No 2) 1980.

Verification of documents, etc

6 Verification of documents executed out of New Zealand

- (1) Every document of any kind duly executed out of New Zealand (whether before or after the commencement of this Act) shall, so far as regards the execution thereof, be admissible in evidence in any Court and before any person acting judicially if the execution is verified in any of the following ways, that is to say:
 - (a) Where the document is executed in any foreign country, then—

- (i) If it purports to be executed before a Commonwealth representative exercising his functions in that country and to be sealed with his seal of office (if any), or if there is endorsed thereon or annexed thereto a declaration of the due execution thereof purporting to be made by an attesting witness thereto before any such Commonwealth representative as aforesaid, and to be sealed as aforesaid; or
 - (ii) By or before a notary public exercising his office in that country; or
 - (iii) In any case where the provisions of section 9 of the Evidence Amendment Act 1945 apply, in the manner provided in that section:
 - (b) Where the document is executed in any Commonwealth country, then—
 - (i) In a manner prescribed by paragraph (a) of this subsection for documents executed in a foreign country; or
 - (ii) In the manner (if any) prescribed by the law of that country for the verification of documents to be used abroad.
- (2) It shall be presumed that any seal or signature impressed, affixed, appended, or subscribed on or to any document tendered in evidence under this section is genuine, and that the person appearing to have signed or attested any such document had in fact authority to sign or attest it, and that any such document was in fact made in accordance with the law under which it purports to have been made, unless the party objecting to the admission of the document proves the contrary.
- (3) In this section—
- Commonwealth country** means a country that is a member of the British Commonwealth of Nations; and includes every territory for whose international relations the Government of that country is responsible; and also includes the Republic of Ireland as if that country were a member of the British Commonwealth of Nations
- Commonwealth representative** means any Ambassador, High Commissioner, Commissioner, Minister, Counsel-

lor, Charge d’Affaires, Head of Mission, Consular Officer, Pro-consul, Trade Commissioner, or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Commissioner, Minister, Counsellor, Charge d’Affaires, or Head of Mission.

In subsection (3) the definition of the term “Commonwealth representative” was substituted by section 2 Evidence Amendment Act 1963.

- (4) This section is in substitution for section 119 of the Property Law Act 1908, and that section is hereby accordingly repealed.

Compare: 1908 No 152 s 119

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 Evidence of registered instruments

- (1) After any instrument authorised to be registered under the Deeds Registration Act 1908, or under any former Act or Ordinance providing for the registration of deeds, has been on the register for 20 years or more, a copy of the instrument, certified to be a true copy under the hand of the Registrar of Deeds, shall be received by all Courts and persons acting judicially as prima facie evidence of the contents of the instrument of which it purports to be a copy, and as prima facie evidence that the original instrument was validly signed, sealed, executed, and attested, as purported to be in the copy.
- (2) This section is in substitution for section 120 of the Property Law Act 1908, and that section and subsection (2) of section 6 of the Evidence Amendment Act 1945 are hereby accordingly repealed.

Compare: 1908 No 152 s 120; 1945 No 16 s 6(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).

8 Repeals

- (1) Section 36 of the principal Act is hereby repealed.
- (2)

- (a) These paragraphs amended s 37(1) of the principal Act.
 - (b) These paragraphs amended s 37(1) of the principal Act.
 - (c) This paragraph amended s 37(1)(a) of the principal Act.
 - (d) These paragraphs amended s 37(1)(b) of the principal Act.
 - (e) These paragraphs amended s 37(1)(b) of the principal Act.
- (3)
- (4) The following Acts of the United Kingdom Parliament are hereby repealed so far as they apply to New Zealand:
- (a) The Evidence Act 1851:
 - (b) The Documentary Evidence Act 1868:
 - (c) The Documentary Evidence Act 1882.

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 (3) was impliedly repealed by section 11 Evidence Amendment Act 1990.