

New Zealand.



ANALYSIS.

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1887, No. 5.

Title. AN ACT to amend "The Banks and Bankers Act, 1880."
[6th June, 1887.]

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

Short Title. 1. The Short Title of this Act is "The Banks and Bankers Act Amendment Act, 1887."

Repeals. 2. Sections fifteen to twenty, both inclusive, of "The Banks and Bankers Act, 1880," shall be repealed as from the passing of this Act; but such repeal shall not affect anything which has been done or happened before such repeal takes effect.

Mode of proof of entries in banker's books. 3. Subject to the provisions of this Act, a copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of such entry, and of the matters, transactions, and accounts therein recorded.

Proof that book is a banker's book. 4. A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be first proved that the book was at the time of the making of the entry one of the ordinary books of the bank, and that the entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank.

Such proof may be given by a partner or officer of the bank, and may be given orally or by an affidavit sworn before any person authorized to take affidavits.

Verification of copy. 5. A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be further proved that the copy has been examined with the original entry and is correct.

Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally or by an affidavit sworn before any person authorized to take affidavits.

6. A banker or officer of a bank shall not in any legal proceedings to which the bank is not a party be compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of a Judge made for special cause.

Case in which banker, &c., not compellable to produce book, &c.

7. On the application of any party to a legal proceeding a Court or Judge may on summons order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings. An order under this section shall be served on the bank three clear days before the same is to be obeyed, unless the Court or Judge otherwise directs.

Court or Judge may order inspection, &c.

8. The costs of any application to a Court or Judge under or for the purposes of this Act, and the costs of anything done or to be done under an order of a Court or Judge made under or for the purposes of this Act, shall be in the discretion of the Court or Judge, who may order the same or any part thereof to be paid to any party by the bank where the same have been occasioned by any default or delay on the part of the bank. Any such order against a bank may be enforced as if the bank was a party to the proceeding.

Costs.

9. Sunday, Christmas Day, Good Friday, and any bank holiday shall be excluded from the computation of time under this Act.

Computation of time.

10. Nothing in this Act shall limit the power of the Controller and Auditor-General, under the authority of "The Public Revenues Act, 1878," to inspect the account of a private person in any bank if he declares that he has reason to believe, and does believe, that money the property of Her Majesty or of the Government of New Zealand, or of any public body whose accounts the Controller and Auditor-General is required by law to audit, have been fraudulently or wrongfully paid into the private account of such person.

Controller-General may inspect private accounts in certain cases.