

Hon. Dr. Findlay.

FOREIGN TRIBUNALS EVIDENCE.

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A BILL INTITULED

AN ACT to provide for the taking of Evidence in relation to **Title.**
Matters pending before Foreign Tribunals.

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

1. This Act may be cited as the Foreign Tribunals Evidence **Short Title.**
Act, 1907.

2. In this Act—

Interpretation.

10 “Foreign tribunal” means a Court of justice in any place outside of His Majesty’s dominions :

“Affidavit” means any written statement made on oath before a solicitor of the Supreme Court of New Zealand :

15 “Declaration” means any written statement declared by the maker thereof to be true in the presence of a solicitor of the Supreme Court of New Zealand.

20 3. It shall be lawful for any solicitor of the Supreme Court of New Zealand to take the affidavit or declaration of any person in relation to any matter, whether civil or criminal, which is certified in accordance with this Act to be pending before any foreign tribunal. **Solicitor may take affidavit or declaration for purposes of this Act.**

4. Every such affidavit or declaration shall be intituled in the matter of the Foreign Tribunals Evidence Act, 1907, and every such declaration shall be expressed to be made in pursuance of the provisions of the said Act. **How affidavit or declaration to be intituled.**

25 5. (1.) No such affidavit or declaration shall be taken unless the solicitor taking it has received a written certificate from a consul or vice-consul of the State to which such foreign tribunal belongs that he believes the said affidavit or declaration to be required for the purpose of a matter pending in the said tribunal. **Certificate of consul or vice-consul.**

(2.) The jurat or attestation of the said affidavit or declaration shall state the name and official designation of the consul or vice-consul on whose certificate the said affidavit or declaration has been taken.

False affidavit or
declaration.

6. (1.) Every such affidavit or declaration shall be deemed to have been made in a judicial proceeding within the meaning of section one hundred and thirteen of the Criminal Code Act, 1893, and any person who falsely makes any such affidavit or declaration shall be guilty of perjury accordingly. 5

(2.) In any prosecution for perjury in respect of any such affidavit or declaration it shall not be necessary to prove that any judicial or other proceeding was actually pending in any foreign tribunal, or that any such certificate as is mentioned in section *five* hereof was actually given, nor shall any evidence to the contrary be admissible. 10 15