

NORTHERN TERRITORY OF AUSTRALIA

EVIDENCE AMENDMENT ACT 1990

---

No. 36 of 1990

---

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Definitions
5. Repeal and substitution:
  - "17. DISALLOWED, &c., QUESTIONS NOT TO BE PUBLISHED"
6. Repeal and substitution:
  - "21. NON-APPEARANCE OF WITNESSES"
7. Discovery in defamation actions
8. Repeal and substitution:
  - "27. ACTS OF STATE"
9. New section:
  - "27A. PROOF OF CERTAIN STATUTES"
10. Repeal and substitution:
  - "28A. PROOF OF INSTRUMENTS AND EXECUTIVE ACTS"
11. Repeal and substitution:
  - "29. PUBLIC DOCUMENTS"
12. Repeal and substitution:
  - "30. NON-TERRITORY DOCUMENTS"
13. Convictions, acquittals and other criminal proceedings
14. Repeal and substitution:
  - "36. JUDICIAL NOTICE OF CERTAIN SIGNATURES"
15. Repeal and substitution:
  - "43. EVIDENTIAL EFFECTS OF ENTRIES IN BANKERS' BOOKS AND COPIES THEREOF"
16. Proof that book is a banker's book
17. Repeal and substitution:
  - "45. VERIFICATION OF COPY"

18. Repeal and substitution:

"PART VI - EVIDENCE ON COMMISSION

*"Division 1 - Taking Outside Territory  
of Evidence for Territory Proceedings*

"50. ORDER FOR TAKING OF EVIDENCE

"51. ADMISSIBILITY OF EVIDENCE

*"Division 2 - Taking Within Territory  
of Evidence for Proceedings Elsewhere*

"52. APPLICATION TO SUPREME COURT FOR ORDER TO  
OBTAIN EVIDENCE

"53. POWER OF SUPREME COURT TO GIVE EFFECT TO  
APPLICATION

"54. PRIVILEGE OF WITNESSES

"55. OFFENCE OF GIVING FALSE EVIDENCE"

19. Repeal and substitution:

"59. PENALTY FOR BREACH OF ORDER UNDER SECTION  
57 OR 58"

20. Repeal and substitution:

"63. FOREIGN LAW"

21. Repeal and substitution:

"65. REGULATIONS"

22. Further amendments

23. Repeal of Imperial Acts

SCHEDULE 1

SCHEDULE 2



# NORTHERN TERRITORY OF AUSTRALIA

---

No. 36 of 1990

---

## AN ACT

to amend the *Evidence Act*, and for related purposes

[Assented to 22 June 1990]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Evidence Amendment Act 1990*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Evidence Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 4 of the Principal Act is amended -

- (a) by omitting the definition of "'bank' or 'banker'" and substituting the following:

"'bank' includes a building society within the meaning of the *Building Societies Act* and a credit union within the meaning of the *Credit Unions Act*";

- (b) by omitting the definition of "banker's book" and substituting the following:
-

*Evidence Amendment*

"'banker's book' includes any ledger, day book, cash book, account book or other book used in the ordinary course of business of a bank, however the book is compiled, recorded or stored, whether in written form or on microfilm or by electronic process or otherwise;"

(c) by omitting the definition of "document" and substituting the following:

"'document' means any record of information and includes, in addition to a document in writing -

- (a) any book, map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other device) of being reproduced therefrom; and
- (d) any film, negative, disc, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other device) of being reproduced therefrom;"

(d) by inserting after the definition of "document" the following:

"'examined copy' and 'examined extract' mean, respectively, a copy or extract proved to have been examined with the original and to correspond therewith;" and

(e) by inserting after the definition of "person acting judicially" the following:

"'statement' includes any representation of fact or opinion, whether made in words or otherwise."

5. REPEAL AND SUBSTITUTION

Section 17 of the Principal Act is repealed and the following substituted:

"17. DISALLOWED, &c., QUESTIONS NOT TO BE PUBLISHED

"A person shall not, without the express permission of the Court, print or publish any question which the Court has disallowed under section 13 or 16 or, under section 14(1), informed a witness that he is not required to answer.

Penalty: \$5,000."

*Evidence Amendment*

6. REPEAL AND SUBSTITUTION

Section 21 of the Principal Act is repealed and the following substituted:

"21. NON-APPEARANCE OF WITNESSES

"(1) Where a person who has been served with a subpoena or summons to attend in any Court as a witness, or to produce documents, fails to appear when called at the trial or on the day appointed for the appearance or production, the Court may -

- (a) on proof that he has been duly served with the subpoena or summons, issue a summons calling on him to show cause why the Court should not punish him for the failure as being a contempt of the Court; or
- (b) on proof both that he has been duly served with the subpoena or summons and that his non-appearance is (so far as can be ascertained) without just cause or reasonable excuse, and, in the case of a person required to attend as a witness, on oath that he will probably be able to give material evidence, issue a warrant of arrest to bring him before the Court to give evidence or produce documents.

"(2) The proof referred to in subsection (1)(a) and (b) may be given orally or by affidavit.

"(3) A person present at any legal proceeding wherein he might have been compellable to give evidence and produce documents by virtue of a subpoena, summons or order duly issued and served for that purpose shall be compellable to give evidence and produce documents then in his possession and power in the same manner, and, in case of refusal, shall be subject to the same penalties and liabilities as if he had been duly subpoenaed or summoned for that purpose."

7. DISCOVERY IN DEFAMATION ACTIONS

Section 25 of the Principal Act is amended by omitting "an alleged libel" and substituting "matter alleged to be defamatory".

8. REPEAL AND SUBSTITUTION

Section 27 of the Principal Act is repealed and the following substituted:

*Evidence Amendment*

"27. ACTS OF STATE

"Evidence of a proclamation, treaty or other act of state of any body politic may be given by the production of an examined copy, or of a document which purports to be sealed with the seal of the body politic."

9. NEW SECTION

The Principal Act is amended by inserting after section 27 the following:

"27A. PROOF OF CERTAIN STATUTES

"(1) A document purporting to be -

- (a) a copy of an Act; and
- (b) printed by the Government Printer,

shall be taken to be a correct copy of the Act until the contrary is proved.

"(2) In subsection (1), 'Act' includes -

- (a) an Act passed by the Legislative Assembly, and a Northern Territory Ordinance;
- (b) an Act or Ordinance of a State of the Commonwealth, or of a Territory of the Commonwealth other than the Territory;
- (c) an Act of the Commonwealth; and
- (d) an Imperial Act,

and, in relation to an Act or Ordinance within paragraph (b), (c) or (d), 'Government Printer' means, as the case may require, the person (however styled) authorized to print Acts or Ordinances of the State or Territory in question, the Commonwealth Government Printer and the Queen's Printer or other person authorized to print Imperial Acts."

10. REPEAL AND SUBSTITUTION

Sections 28A and 28B of the Principal Act are repealed and the following substituted:

"28A. PROOF OF INSTRUMENTS AND EXECUTIVE ACTS

"(1) Evidence of an instrument of a legislative or administrative character, or of any of the terms of such an instrument, may be given by the production of -

- (a) the *Gazette* purporting to set out the instrument;

*Evidence Amendment*

- (b) a document printed by the Government Printer and purporting to be a copy of the instrument; or
- (c) a document purporting to be certified by a Minister, or by an officer having the custody of the instrument, as being a true copy of the instrument or any of its terms.

"(2) Where by any law in force in the Territory a person holding public office is authorized or empowered to do any act, production of the *Gazette* purporting to contain a notification of the act's having been done is evidence that the act has been duly done.

"(3) No proof shall be required of the handwriting or official position of a person certifying a document as mentioned in subsection (1)(c)."

11. REPEAL AND SUBSTITUTION

Section 29 of the Principal Act is repealed and the following substituted:

"29. PUBLIC DOCUMENTS

"(1) In this section, 'public document' means a document that is admissible as evidence of the facts it states upon its mere production from proper custody, and includes letters patent, deeds of grant from the Crown and any document kept or registered under any law in force in the Territory.

"(2) A document proved to be a duplicate copy of a public document is admissible in evidence as if it were the original.

"(3) A document purporting to be a copy of, or an extract from, a public document is admissible in evidence as if it were the original or, as the case may be, part of the original if it is -

- (a) an examined copy or examined extract; or
- (b) certified as a true copy or extract by an officer having the custody of the original.

"(4) In any proceedings to which an officer having the custody of a public document is not a party, the officer shall not be compellable to produce the original document except by order of the Court made for special cause.

"(5) A document purporting to be certified as mentioned in subsection (3)(b) shall, if the person producing it has served a copy of it on the adverse party, together with a notice of his intention to produce it in evidence at the hearing, at such time as would in the opinion of the Court have enabled the adverse party to

## *Evidence Amendment*

verify it, be admitted in evidence without proof of the signature or official position of the person certifying it.

"(6) Where a public document has been kept or registered for more than 30 years, a document which is proved to be a duplicate copy, or which is an examined copy or is certified to be a true copy as mentioned in subsection (3)(b), shall be prima facie evidence of its due execution.

"(7) An officer having the custody of a public document shall supply a document certified by the officer to be a true copy of or extract from the original on the application of any person, accompanied, where no other fee is provided for by any law in force in the Territory, by the prescribed fee."

### 12. REPEAL AND SUBSTITUTION

Section 30 of the Principal Act is repealed and the following substituted:

#### "30. NON-TERRITORY DOCUMENTS

"(1) Where any document in any place outside the Territory is provable under the law of that place by means of a copy, then a copy of or extract from that document is admissible in evidence in the Territory -

- (a) if it is an examined copy or an examined extract; or
- (b) if it purports to be signed and certified as a true copy or extract by a person who certifies that he is the officer having the custody of the original.

"(2) A document which is admissible in evidence for any purpose in any place outside the Territory without proof of the seal, stamp or signature authenticating it, or of the judicial or official character of the person appearing to have signed it, is similarly admissible in evidence in the Territory for the like purpose."

### 13. CONVICTIONS, ACQUITTALS AND OTHER CRIMINAL PROCEEDINGS

Section 32 of the Principal Act is amended -

- (a) by omitting from subsection (1)(a), (b) and (c) ", Judge or Justice";
- (b) by omitting from subsection (1)(d) ", Judge, Justice or other official person";



*Evidence Amendment*

- (c) by omitting from subsection (1) all words after "production of a certificate" to and including "showing the fact," and substituting "under the hand of a Judge or officer of the Court, showing the fact,";
- (d) by omitting from subsection (1) "or Justice or official person"; and
- (e) by adding after subsection (6) the following:

"(7) Where a Court finds a charge against a person proved, but decides not to proceed to conviction, this section applies to that finding and decision as it applies to a conviction."

14. REPEAL AND SUBSTITUTION

Section 36 of the Principal Act is repealed and the following substituted:

"36. JUDICIAL NOTICE OF CERTAIN SIGNATURES

"Every Court shall take judicial notice of the signature of -

- (a) the Administrator;
- (b) a Minister;
- (c) an Executive Member;
- (d) a Judge of the Supreme Court or any other Court;
- (e) a Magistrate;
- (f) a Master of the Supreme Court;
- (g) an officer of any Court; and
- (h) any person for the time being holding an office created by or under any Act."

15. REPEAL AND SUBSTITUTION

Section 43 of the Principal Act is repealed and the following substituted:

"43. EVIDENTIAL EFFECTS OF ENTRIES IN BANKERS' BOOKS AND COPIES THEREOF

"Subject to this Part -

- (a) an entry in a banker's book is evidence of the matters, transactions and accounts therein recorded; and

*Evidence Amendment*

- (b) a copy of an entry in a banker's book is evidence of the entry and of the matters, transactions and accounts therein recorded."

16. PROOF THAT BOOK IS A BANKER'S BOOK

Section 44(1) of the Principal Act is amended -

- (a) by omitting from paragraph (b) "business; and" and substituting "business."; and
- (b) by omitting paragraph (c).

17. REPEAL AND SUBSTITUTION

Section 45 of the Principal Act is repealed and the following substituted:

"45. VERIFICATION OF COPY

"A copy of an entry in a banker's book shall not be received in evidence unless it is an examined copy or is certified to be a true copy of the entry in such manner as is approved by the Court."

18. REPEAL AND SUBSTITUTION

Part VI of the Principal Act is repealed and the following substituted:

"PART VI - EVIDENCE ON COMMISSION

*"Division 1 - Taking Outside Territory  
of Evidence for Territory Proceedings*

"50. ORDER FOR TAKING OF EVIDENCE

"(1) This section applies to any proceeding before the Supreme Court, the Local Court or the Court of Summary Jurisdiction, other than a proceeding in which the court in question is exercising jurisdiction conferred on or vested in it by an Act of the Commonwealth.

"(2) Where on the application of a party to any proceeding to which this section applies it appears to the court that it is in the interests of justice to do so, the court may in its discretion make in relation to a person outside the Territory an order -

- (a) for the examination of the person on oath at any place outside the Territory before a judge or justice of the court, an officer of the court, or such other person as the court may appoint;
- (b) for the issue of a commission for the examination of the person on oath at any place outside the Territory; or

*Evidence Amendment*

- (c) for the issue to an appropriate judicial authority of a place outside the Territory of a letter of request to take, or cause to be taken, the person's evidence.

"(3) In subsection (2)(c), 'appropriate judicial authority' means -

- (a) in relation to a place in Australia (including a place in any external Territory of the Commonwealth for the government of which as a Territory provision is made by any Act of the Commonwealth) - a court or authority prescribed as such for that place; and
- (b) in relation to any other place - an authority appearing to the court to be appropriate having regard to the law of that place.

"(4) In determining whether it is in the interests of justice to make an order under subsection (2) in relation to the taking of evidence of a person, the matters to which the court shall have regard include -

- (a) whether the person is willing or able to come to the Territory to give evidence in the proceeding;
- (b) whether the person will be able to give evidence material to any issue to be tried in the proceeding; and
- (c) whether, having regard to the interests of the parties to the proceeding, justice will be better served by granting the order or refusing it.

"(5) Where a court makes an order within subsection (2)(a) or (b), it may in its discretion (at the time of making the order or at a subsequent time) give such directions as it thinks just relating to the procedure to be followed in and in relation to the examination, including directions as to the time, place and manner of the examination and any other matter that the court thinks relevant.

"(6) Where a court makes an order within subsection (2)(c), it may in its discretion include in the order a request as to any matter relating to the taking of the person's evidence, including -

- (a) the examination, cross-examination or re-examination of the person, whether his evidence is given orally, upon affidavit or otherwise;

*Evidence Amendment*

- (b) the attendance of the legal representative of each party to the proceeding in which the order is made, and the participation of those persons in the examination in appropriate circumstances; and
- (c) any prescribed matter.

"51. ADMISSIBILITY OF EVIDENCE

"(1) Subject to subsection (2), the court by which an order is made under section 50(2) may on such terms as it thinks fit permit a party to the proceeding in which the order is made to tender as evidence in the proceeding -

- (a) the evidence of a person taken in an examination held as a result of the order; or
- (b) a record of that evidence.

"(2) Evidence of a person so tendered is not admissible if -

- (a) it appears to the satisfaction of the court at the hearing of the proceeding that the person is in the Territory and able to attend the hearing; or
- (b) the evidence would not have been admissible had it been given or produced at the hearing of the proceeding.

"(3) Where it is in the interests of justice to do so, the court may in its discretion exclude from a proceeding evidence taken in an examination held as a result of an order under section 50(2), notwithstanding that the evidence is otherwise admissible.

"(4) This section does not affect the power of a court in a criminal proceeding to exclude evidence that has been obtained illegally or would, if admitted, operate unfairly against the defendant.

"(5) In this section, 'examination' includes any proceeding for the taking of a person's evidence conducted in relation to a letter of request issued pursuant to an order within section 50(2)(c), and a reference to evidence taken in an examination includes a reference to -

- (a) a document produced at the examination; and
- (b) answers made, whether in writing or orally and reduced to writing, to any written interrogatories presented at the examination.

*Evidence Amendment*

*"Division 2 - Taking Within Territory  
of Evidence for Proceedings Elsewhere*

"52. APPLICATION TO SUPREME COURT FOR ORDER TO OBTAIN EVIDENCE

"(1) Where an application is made to the Supreme Court for an order for evidence to be obtained in the Territory, and the Supreme Court is satisfied -

- (a) that the application is made in pursuance of a request issued by or on behalf of a court or tribunal exercising jurisdiction in a place outside the Territory, and relates to evidence to be obtained for the purposes of proceedings in a civil or commercial matter which have been instituted before that court or tribunal, or whose institution before that court or tribunal is contemplated; or
- (b) that the application is made in pursuance of a request issued by or on behalf of a court of a place elsewhere in Australia (including a place in any external Territory of the Commonwealth for the government of which as a Territory provision is made by any Act of the Commonwealth), or by or on behalf of a court in New Zealand, and relates to evidence to be obtained for the purposes of proceedings in relation to the commission of an offence or alleged offence which have been instituted in or before that court, or whose institution in or before that court is contemplated,

the Supreme Court may give effect to the application in accordance with section 53.

"(2) The references in subsection (1) to a request issued by or on behalf of a court or tribunal include references to any commission, order or other process so issued.

"53. POWER OF SUPREME COURT TO GIVE EFFECT TO APPLICATION

"(1) The Supreme Court has power on any such application as is mentioned in section 52(1) to make by order such provision for obtaining evidence in the Territory as may appear to the Court to be appropriate for the purpose of giving effect to the request in pursuance of which the application is made.

"(2) An order under this section may require a specified person to take such steps as the Supreme Court may consider appropriate for that purpose.

*Evidence Amendment*

"(3) Without limiting the generality of subsections (1) and (2), an order under this section may in particular make provision for -

- (a) the examination of witnesses, either orally or in writing;
- (b) the production of documents;
- (c) the inspection, photographing, preservation, custody or detention of any property, the taking of samples of any property, and the carrying out of any experiments on or with any property ("property" including in this paragraph any land, chattel or other corporeal property of any description);
- (d) the medical examination of any person; and
- (e) without limiting paragraph (d), the taking and testing of samples of blood from any person.

"(4) An order under this section shall not require any particular steps to be taken unless they are steps which can be required to be taken by way of obtaining evidence for the purposes of proceedings in the Supreme Court (whether or not proceedings of the same description as those to which the application for the order relates).

"(5) Subsection (4) does not preclude the making of an order requiring a person to give testimony (either orally or in writing) otherwise than on oath, where this is asked for by the court or tribunal pursuant to whose request the application for the order was made.

"(6) An order under this section shall not require a person -

- (a) to state what documents relevant to the proceedings to which the application for the order relates are or have been in his possession, custody or power; or
- (b) to produce any documents other than particular documents specified in the order and appearing to the Supreme Court to be, or to be likely to be, in his possession, custody or power.

"(7) A person who, by virtue of an order under this section, is required to attend at any place shall be entitled to the like conduct money and payment for expenses and loss of time on attendance as a witness in proceedings before the Supreme Court.

*Evidence Amendment*

"54. PRIVILEGE OF WITNESSES

"(1) A person shall not be compelled by virtue of an order under section 53 to give any evidence which he could not be compelled to give -

- (a) in similar proceedings in the Territory; or
- (b) in similar proceedings in the place in which jurisdiction is exercised by the court or tribunal pursuant to whose request the application for the order was made.

"(2) Subsection (1)(b) does not apply unless the claim of the person in question to be exempt from giving evidence is -

- (a) supported (whether unconditionally or subject to conditions that are fulfilled) by a statement contained in the request; or
- (b) conceded by the applicant for the order.

"(3) Where such a claim by a person is not so supported or conceded, he may (subject to the other provisions of this section) be required to give the evidence to which the claim relates, but that evidence shall not be transmitted to the court or tribunal in question if that court or tribunal, on the matter being referred to it, upholds the claim.

"(4) In this section, references to giving evidence include references to answering any question and producing any document, and the reference in subsection (3) to the transmission of evidence given by a person shall be construed accordingly.

"55. OFFENCE OF GIVING FALSE EVIDENCE

"A person who, in giving any testimony (either orally or in writing) otherwise than on oath where required to do so by an order under section 53, makes a statement -

- (a) which he knows to be false in a material particular; or
- (b) which is false in a material particular and which he or she does not believe to be true,

is guilty of an offence.

Penalty: Imprisonment for 14 years."

*Evidence Amendment*

19. REPEAL AND SUBSTITUTION

Section 59 of the Principal Act is repealed and the following substituted:

"59. PENALTY FOR BREACH OF ORDER UNDER SECTION 57 OR 58

"A person who contravenes or fails to comply with an order under section 57 or 58 is guilty of an offence.

Penalty: \$5,000 or imprisonment for 12 months."

20. REPEAL AND SUBSTITUTION

Section 63 of the Principal Act is repealed and the following substituted:

"63. FOREIGN LAW

"(1) Evidence of a statute, code or other written law of any place outside Australia may be given by the production of a printed copy of it contained in a volume which -

- (a) purports to be published by the authority of the Government of that place; or
- (b) is proved to the satisfaction of the Court to be commonly admitted as evidence of it in the courts of that place.

"(2) Evidence of the unwritten law of any place outside Australia may be given by the production of books purporting to contain reports of cases decided in the courts of that place and textbooks treating of the laws of that place."

21. REPEAL AND SUBSTITUTION

Section 65 of the Principal Act is repealed and the following substituted:

"65. REGULATIONS

"The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act."

22. FURTHER AMENDMENTS

The Principal Act is further amended as provided in Schedule 1.



*Evidence Amendment*

23. REPEAL OF IMPERIAL ACTS

The Imperial Acts specified in Schedule 2 are repealed in so far as they are part of the law of the Territory, but subject to the savings so specified.

---

SCHEDULE 1

Section 22

AMENDMENTS

---

Provision	Amendment	
	omit	substitute
Section 4		
- definition of "Court"	"Stipendiary Magistrate, Special Magistrate"	"Magistrate"
- definition of "Judge"	the whole definition	"'Judge' includes the member or members of any Court;"
- definition of "Justice"	the whole definition	
- definition of "person acting judicially"	"Judge, Stipendiary Magistrate, Special Magistrate, Justice, arbitrator and any person having by law or by consent of parties authority to hear, receive and examine evidence"	
- definition of "telegram"	the whole definition	
- definition of "telegraph"	the whole definition	
Section 13	"in any Court, whether civil or criminal"	
Section 16	"forbid"	"disallow"
Sections 24 and 26B	the whole sections	

*Evidence Amendment*

SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
Section 26C(2)	"or of any part of the Queen's dominions,"	"or of any place outside Australia,"
Section 26E	the whole section	
Section 26G	"whether civil or criminal,"	
Section 26H	"whether civil or criminal,"	
Sections 26J and 26K	the whole sections	
Section 28C	"paper"	"document"
Section 28D	"paper"	"document"
Sections 30A and 31	the whole sections	
Section 33	"a Court of summary jurisdiction"	"the Court of Summary Jurisdiction"
Section 34	"a copy proved to be a true copy of -"	"an examined copy of or extract from -"
	"or of the contents of the register,"	"of the contents of the register, or of the contents of the articles or register contained in the extract,"
Sections 37, 38, 40 and 41	the whole sections	
Section 42A	"A statement in writing"	"In any proceedings, a statement in writing"
	paragraphs (a) and (b)	

*Evidence Amendment*

SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
Section 42B(2)	"or by statutory declaration made in accordance with the <u>Statutory Declarations Act 1959</u> ."	"on oath or by affidavit."
Section 42B(3)	the whole subsection	
Section 42B(6) - definition of "Crown"	"Territory"	"Territory or the Commonwealth"
- definition of "prescribed corporation"	paragraph (b)	"(b) any bank; or"
- definition of "statutory body representing the Crown"	"includes the Australian National Airlines Commission, the Australian Broadcasting Control Board, the Northern Territory Reserves Board and"	"means"
Section 46	"a banker or"  "Judge"	"Court"
Section 47	"Judge" (twice occurring)	"Court"
Section 48(1)	"Judge" (wherever occurring)	"Court"
Section 49	the whole section	
Section 57(2)	"paragraph (iii) of sub-section (1),"  "Magistrate or Justices"	"subsection (1)(iii),"  "Court"
Section 57(3)	"paragraph (ii) or paragraph (iii) of sub-section (1),"	"subsection (1)(ii) or (iii),"
Sections 60 and 61	the whole sections	

Evidence Amendment

SCHEDULE 1 - continued

Provision	Amendment	
	omit	substitute
Long title and sections 1, 4, 5, 7, 9(6), 10, 26F(1), (2), 26G, 26H, 42 and 44	"Ordinance" (wherever occurring)	"Act"

SCHEDULE 2

Section 23

REPEAL OF IMPERIAL ACTS

1. The Imperial Acts referred to in section 19 are -  
the Evidence on Commission Act 1831;  
the Foreign Tribunals Evidence Act 1856;  
the Evidence by Commission Act 1859;  
the Documentary Evidence Act 1868;  
the Evidence by Commission Act 1885; and  
the Evidence (Colonial Laws) Act 1907.
2. The repeal of the Acts specified in paragraph 1 does not affect any application to a court or judge which is pending at the commencement of this Act, any certificate given for the purposes of such an application, any power to make an order on such an application, or the operation or enforcement of any order made on such an application.