

**EVIDENCE (AMENDMENT) ACT, 1978, No. 26**

**New South Wales**



**ANNO VICESIMO SEPTIMO**

**ELIZABETHÆ II REGINÆ**

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**Act No. 26, 1978.**

**An Act to amend the Evidence Act, 1898, with respect to business records and bankers' books. [Assented to, 16th March, 1978.]**

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*Evidence (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

**1.** This Act may be cited as the "Evidence (Amendment) Act, 1978".

Amendment of Act No. 11, 1898.

**2.** The Evidence Act, 1898, is amended in the manner set forth in Schedule 1.

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Sec. 2.

#### SCHEDULE 1.

##### AMENDMENTS TO THE EVIDENCE ACT, 1898.

(1) (a) Section 3 (1), paragraph (a) of definition of "Bank" or "banker"—

After "engaged", insert "in New South Wales or elsewhere".

(b) Section 3 (2)—

Omit "or".

(c) Section 3 (2)—

After "1976," insert "or the Evidence (Amendment) Act, 1978,".

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*Evidence (Amendment).*

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**SCHEDEULE 1—*continued.***

**AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.***

(2) Section 14CD (1), paragraph (a) of definition of “Business”—

After “business”, insert “(including business as a banker)”.

(3) (a) Section 14CM (1)—

After “by”, insert “an authorised person or if given by”.

(b) Section 14CM (3)—

After section 14CM (2), insert :—

(3) In subsection (1) “authorised person” means—

(a) a person before whom, pursuant to section 26 of the Oaths Act, 1900, an oath, declaration or affidavit may be taken or made in a country or place outside New South Wales;

(b) a member of the police force of or above the rank of sergeant; or

(c) a person approved by the Attorney-General for the purposes of this section.

(4) Section 44—

After “copy”, insert “made before or after the commencement of the Evidence (Amendment) Act, 1978.”.

(5) (a) Section 45 (1) (c)—

After “is”, insert “or, at the time of the making of the copy of the entry, was”.

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*Evidence (Amendment).*

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SCHEDEULE 1—*continued.*AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

## (b) Section 45 (2)—

After “bank”, insert “or, where the banker’s book is not in New South Wales, on the information and belief of an authorised person referred to in section 14CM (3) who has examined the book and the entry”.

## (6) Section 47—

After “affidavits”, insert “or to be made as provided by section 26 of the Oaths Act, 1900”.

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