

EVIDENCE (AMENDMENT) ACT 1986 No. 112

NEW SOUTH WALES



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Act No. 112, 1986

An Act to amend the Evidence Act 1898 with respect to evidence concerning disputed writing or signatures. [Assented to, 27 November 1986]

Evidence (Amendment) 1986

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 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 11, 1898, sec. 36

3. The Evidence Act 1898 is amended by omitting section 36 and by inserting instead the following section:

Comparison of disputed writing

36. (1) Where the authorship of any writing or signature is in dispute—

- (a) evidence of a comparison of the writing or signature in dispute with any other writing or signature proved to the satisfaction of the Court to be genuine is admissible as evidence concerning the authorship of the writing or signature in dispute; and
- (b) the writing or signature in dispute and the other writing or signature are admissible as such evidence.

(2) Evidence of the comparison may be based on observations of the writing or signature in dispute or of the other writing or signature, or of both, made before or during, or before and during, the proceedings in which the evidence is given.

(3) In this section, a reference to writing or a signature includes a reference to—

- (a) a duplicate of the writing or signature; and

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(b) a reproduction of the writing or signature made by photographic, photostatic or any other prescribed means, whether or not the original writing or signature is available.

(4) A duplicate or reproduction of any writing or signature is admissible under this section only if the original writing or signature is not available.

(5) The Governor may make regulations for the purposes of subsection (3) (b).
