

# Witnesses Examination Act 1900 No 34

[1900-34]



New South Wales

## Status Information

### Currency of version

Current version for 12 December 1994 to date (accessed 12 July 2024 at 2:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Responsible Minister

- Attorney General

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Witnesses Examination Act 1900 No 34



New South Wales

An Act to consolidate enactments relating to the examination of witnesses and production of documents in certain cases.

## 1 Name of Act

This Act may be cited as the *Witnesses Examination Act 1900*.

## 2 Repeal

The Acts mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed.

## 3 Definitions

In this Act, unless the context or subject-matter otherwise indicates or requires:

**the Court** means the Supreme Court.

**Judge** means a Judge of the Court.

## 4, 5 (Repealed)

## 6 Examinations on commission etc in criminal proceedings

(1) In any criminal proceeding, if any witness is out of the jurisdiction of the Court or above 320 kilometres from the intended place of trial or is from age or infirmity unable to attend the trial or if the testimony of any witness is in danger of being lost by reason of age or infirmity or by reason of being about to depart out of the jurisdiction or to some place beyond the said distance of 320 kilometres, the Court or a Judge may, on the application or with the consent of the Attorney-General, the Director of Public Prosecutions or the Crown Prosecutor as well as the prisoner, but not otherwise, direct:

(a) that any such witness within the jurisdiction of the Court be examined on oath, either viva voce or upon interrogatories or otherwise, before a specified officer of the Court or other specified person, or

(b) that a commission do issue for the examination of such witness on oath, either

viva voce or upon interrogatories or otherwise, at any place in or out of the jurisdiction.

- (2) The Court or Judge may, at the same time or subsequently, give all such directions touching the time, place, and manner of such examination, as well within the jurisdiction as without, and all other matters and circumstances connected with such examination as appear reasonable and just.

## **7, 8 (Repealed)**

## **9 Examinations to be on oath**

- (1) Any person authorised by any rule, order, or commission under this Act to take the examination of any witness, shall take such examination upon the oath of such witness, to be administered by the person so authorised or by a Judge.
- (2) Any witness who upon such oath wilfully and corruptly gives any false evidence shall be deemed to be guilty of perjury.

## **10 (Repealed)**

## **11 Reading examinations and depositions in evidence**

- (1) The examination or deposition of any witness taken under this Act may be read in evidence at the hearing, saving all just exceptions.
- (2) Provided that if it appears to the satisfaction of the Court or Judge at the hearing that such witness is within the jurisdiction and able to attend the hearing, such examination or deposition shall be rejected.
- (3) Where such examination or deposition appears to be certified under the hand of the person authorised to take the same, no proof shall be necessary of the signature of such person.

## **12 (Repealed)**

## **Schedule**

<b>Reference to Act</b>	<b>Title or short title</b>	<b>Extent of repeal</b>
4 Vic No 22	An Act to provide for the more effectual administration of justice in New South Wales and its Dependencies.	Section 14.
5 Vic No 9	An Act for the further amendment of the law and for the better advancement of justice.	Sections 15, 16.
18 Vic No 13	An Act further to amend the law of evidence.	The unrepealed sections.
36 Vic No 9	Matrimonial Causes Act.	Section 12.
44 Vic No 18	<i>Equity Act of 1880.</i>	Section 44.

54 Vic No 25

*Probate Act of 1890.*

Section 98.