

## EVIDENCE.

21° GEO. V., No. XXXIV.

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No. 34 of 1930.

### AN ACT to amend the Evidence Act, 1906.

[Assented to 22nd December, 1930.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Evidence Act Amendment Act*, 1930, and shall be read as one with the Evidence Act, 1906, hereinafter called the principal Act. Short title.

2. The principal Act is hereby amended by the insertion of the following sections, that is to say:—

Between sections ninety-eight and ninety-nine is inserted a new section, to read as follows:—

98A. Any person making an affidavit shall be entitled, if he so wishes, instead of having administered to him the oath usually administered, to have an oath administered to him in the form following, that is to say:—The person tendering the oath shall hold up his hand and say to the deponent “Hold up your hand and repeat after me:—‘I swear that this (pointing or referring to the signature of deponent, on the affidavit) is my name and handwriting (and in the case of exhibits or productions, add:—‘and that these are the exhibits or productions referred to in my affidavit’), and the contents of this my affidavit are true, So help me God.’”

Method of administering oath to persons making an affidavit.

Between sections one hundred and six and one hundred and seven is inserted a new section, to read as follows:—

Swearing of  
affidavit before a  
justice of the peace  
in absence of  
commissioner.

106A. Any affidavit required for use in any action, suit, proceeding, cause or matter now or hereafter depending in or before the Supreme Court of Western Australia, or before any judge or officer of that court, and any bond or recognisance required to be filed in the said court, may respectively be sworn or executed before a justice of the peace for Western Australia, or for any part or district of Western Australia, in every instance where at the time of swearing such affidavit or executing such bond or recognisance there is not a commissioner for taking affidavits for use in the Supreme Court of Western Australia resident and present within a distance of three miles from the place where such affidavit, bond, or recognisance is sworn or executed, and a certificate signed by the said justice at the foot of or endorsed on any such affidavit, bond or recognisance that no such commissioner is resident and present within the distance aforesaid shall be conclusive evidence of that fact, and every such affidavit, bond or recognisance shall be admissible in evidence in any action, suit, proceeding, cause, or matter as aforesaid, and may be read and made use of to all intents and purposes as any affidavit, bond, or recognisance sworn or executed before any other person or authority.

Amendment of  
s. 105.

3. Section one hundred and five of the principal Act is amended by inserting at the commencement thereof the following words:—“subject to the provisions of section one hundred and six A.”