



ANNO QUINTO

## GEORGI VI REGIS.

A.D. 1941.

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## No. 27 of 1941.

## An Act to amend the Evidence Act, 1929-1940.

[Assented to 13th November, 1941.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Evidence Act Amendment Act, 1941".

(2) The Evidence Act, 1929-1940, as amended by this Act, may be cited as the "Evidence Act, 1929-1941".

(3) The Evidence Act, 1929-1940, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of  
s. 66a of  
principal Act—Taking of  
affidavits out of  
the State by  
sailors, soldiers  
and airmen.

3. The following section is enacted and inserted in the principal Act after section 66 thereof:—

66a. (1) Any oath or affidavit required to be made during any war in which the Commonwealth is engaged by any member of a fighting force, for the purpose of any court or matter in the State, may be taken or made in any place out of the State before any officer of any naval, military or air force of any part of His Majesty's dominions who holds a rank not below the following, namely:—

(a) in the case of a naval officer, lieutenant:

(b) in the case of a military officer, captain:

(c) in the case of an officer of an air force, flight-lieutenant,

or before any person having authority to administer an oath in the State.

(2) An officer administering an oath or taking an affidavit by virtue of the powers conferred by this section shall state in the jurat or attestation to the oath or affidavit the following matters, namely:—

(a) the date on which the oath or affidavit is taken or sworn;

(b) the full name and rank of the officer.

(3) An apparently genuine signature purporting to be the signature of a person administering an oath or taking an affidavit, and purporting to be the signature of an officer of a naval, military or air force of any part of His Majesty's dominions who holds a rank not below that specified in subsection (1) of this section, may be deemed to be the signature of such an officer unless the contrary is shown.

(4) Any war in which the Commonwealth is engaged shall be deemed to continue until the day on which the Governor-General of the Commonwealth issues a proclamation declaring that that war has ceased.

(5) In this section—

“affidavit” includes any statutory or other declaration, acknowledgment, or examination;

“His Majesty's dominions” includes the United Kingdom of Great Britain and Northern Ireland, and all self-governing dominions, dependencies, colonies, protectorates, protected states, and mandated territories of His Majesty;

“member of a fighting force” includes any man or woman who is a member of a naval, military or air force of any country, and any person who, as a representative or employee of any charitable, religious or other organization for promoting the welfare of members of any such force, is attached to any such force;

“oath” includes affirmation and declaration.

Amendment of  
s. 67 of  
principal Act  
Consequential  
amendment.

4. Section 67 of the principal Act is amended by inserting after "66" in the first line thereof the expression "and 66A."

In the name and on behalf of His Majesty, I hereby assent  
to this Bill.

C. M. BARCLAY-HARVEY, Governor.