
LAWS OF THE WEST INDIES

CHAPTER 6

EVIDENCE

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THE EVIDENCE ACT, 1958.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Definitions — “court”, “superior court of a Territory”.
3. Judicial notice of public seals.
4. Judicial notice of federal and territorial statutes.
5. Assent to Acts.
6. Judicial notice of signatures and seals.
7. Proof of statutory instruments made under a federal law.
8. Proof of other statutory instruments.
9. Evidence of approval, consent or consultation in making statutory instruments.
10. Proof of public books and documents.
11. Proof of certain public documents.
12. Proof of debates and proceedings of Legislature.
13. Proof of official Gazettes.
14. Gazette to be evidence of contents thereof.
15. Proof of printing by Government Printer.
16. Proof of act done by — Governor-General or Minister, and by Governor or Minister of a Territory.
17. Proof of incorporation of company.
18. Proof of judicial proceedings.
19. No proof of handwriting required.
20. Punishment for forging or tendering in evidence documents admissible under this Act.
21. This Act not to derogate from powers existing aliunde.

AN ACT to provide for the recognition in all courts of the Federation of the laws enacted by the Federal Legislature and by the Legislatures of the Territories, and for the manner in which certain documents, records and matters may be proved in such courts, and for matters connected therewith. Act
6/1958.

<i>Date of assent</i>	9th July,	1958
<i>Commencement</i>	9th July,	1958

1. (1) This Act may be cited as the Evidence Act, 1958. Short title.
- (2) This Act shall apply to the Cayman Islands and the Turks and Caicos Islands.

Definitions
— "court"

2. (1) In this Act, unless the context otherwise requires, the expression "court" shall include all federal courts, all courts of the several Territories, all Judges, magistrates, justices of the peace and all arbitrators under any law in operation in the Federation or in a Territory, and all persons authorised by any such law or by consent of parties to hear, receive and examine evidence.

"superior
court of a
Territory"

(2) References in this Act to the superior court of a Territory shall be construed in accordance with the provisions of paragraph (2) of article 116 of the Constitution.

Judicial
notice of
public seals.

3. All courts shall take judicial notice of the impression of the public seal of the Federation and of the public seal (however styled) of any Territory without evidence of the seal having been impressed or any other evidence relating thereto.

Judicial
notice of
federal and
territorial
statutes.

4. All courts shall take judicial notice of—

- (a) All Acts of the Federal Legislature,
- (b) all proclamations made by the Governor-General under any Act or Imperial Act, and
- (c) all laws enacted by the Legislature of each Territory.

Assent to
Acts.

5. All courts shall take judicial notice of the date on which, in accordance with article 36 of the Constitution the Governor-General has assented to an Act, or has signified Her Majesty's assent thereto, and the date appearing on the copy of an Act printed by the Government Printer, and purporting to be the date on which the Governor-General assented or signified Her Majesty's assent, shall in all courts be evidence that such was the date on which the Governor-General so assented or signified Her Majesty's assent.

Judicial
notice of
signatures
and seals.

6. All courts shall take judicial notice of—

- (a) the signature of any person who holds or has held the office of Governor-General, Chief Justice of the Federation, President of the Senate, Speaker of the House of Representatives, member of the Council of State, Federal Secretary, Attorney General of The

West Indies, Federal Justice, Secretary to the Governor-General, Clerk to the Council of State, Registrar or deputy registrar of the Federal Supreme Court, or any office to which the Governor-General may by order published in the Gazette, declare this section to apply,

- (b) the signature of any person who holds or has held in any Territory the office of Governor, Chief Secretary, Colonial Secretary, Attorney General, Judge of a superior court of a Territory, Administrator, Clerk of Executive Council, Registrar or deputy registrar of such a court, Registrar General, or any office to which the Governor-General may by order published in the Gazette, declare this section to apply,
- (c) the official seal of every such person or court, and
- (d) the fact that such person holds or has held such office,

if the signature or seal purports to be attached or appended to any judicial or official document.

7. Evidence of any statutory instrument may be given in all courts:—

- (i) by the production of a copy of the Gazette purporting to contain it; or
- (ii) by the production of a document purporting to be a copy thereof, and purporting to be printed by the Government Printer, or by the authority of the Government of the Federation; or
- (iii) by the production (in the case of a statutory instrument made, given or issued by the Governor-General) of a document purporting to be certified by the Secretary to the Governor-General or by the Clerk to the Council of State as a true copy thereof or extract therefrom; or

Proof of statutory instruments made under a federal law.

- (iv) by the production (in the case of a statutory instrument made, given or issued by or under the authority of a Minister) of a document purporting to be certified by the Minister as a true copy thereof or extract therefrom.

Proof of
other
statutory
instruments.

8. (1) This section shall apply to any regulation, rule, rule of court, bye-law, proclamation, order, instruction, direction, appointment, warrant, licence, permit, notice or other instrument made, given or issued under any Imperial law or law of the Legislature of a Territory.

(2) Evidence of any instrument to which this section applies may be given in all courts—

(a) in the case of an instrument made, given or issued by the Governor-General, in any one of the ways referred to in sub-paragraphs (i), (ii) or (iii) of section 7 of this Act;

(b) in the case of an instrument made, given or issued under a law of the Legislature of a Territory—

(i) by the production of the official Gazette of that Territory purporting to contain it; or

(ii) by the production of a document purporting to be a copy thereof and purporting to be printed by the Government Printer of that Territory, or by the authority of the Government of that Territory; or

(iii) if made, given or issued by the Governor or the Governor in Executive Council of a Territory by the production of a copy or extract purporting to be certified by the clerk of the Executive Council of that Territory as a true copy thereof or extract therefrom;

(c) in the case of an instrument made, given or issued under an Imperial law by the Governor-General or a Governor of a Territory or by an officer or authority of the Federation or of a Territory—

- (i) by the production of the Gazette of The West Indies or the official Gazette of that Territory, as the case may be, purporting to contain it; or
- (ii) by the production of a document purporting to be a copy thereof, and purporting to be printed by the Government Printer of the Federation, or by the authority of the Government of the Federation, or by the Government Printer of that Territory or by the authority of the Government of that Territory, as the case may be.
- (d) in the case of an instrument made, given or issued under an Imperial law by an authority other than those specified in paragraph (c) of this subsection, by the production of the Gazette of The West Indies or the official Gazette of a Territory purporting to contain it.

9. When by any Act it is provided that any statutory instrument may be made, given or issued or that any function may be performed with the approval or consent of, or after consultation with, some person or authority, a notification in the Gazette stating that such approval or consent has been given or that such consultation has taken place shall be evidence in all courts for all purposes of such approval, consent or consultation.

10. Whenever any book or document is of such a public nature as to be admissible in evidence on its mere production from the proper custody and no law exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence in all courts if—

- (a) it is proved to be an examined copy or extract; or
- (b) it purports to be signed and certified as a true copy or extract by the officer to whose custody the original is entrusted, who if he

is an officer of a Territory, shall further certify that he is the officer to whose custody the original is entrusted.

Proof of certain public documents.

11. Whenever by the law for the time being in operation in a Territory—

- (a) any public document; or
- (b) any record required by law to be kept of any public document or proceeding; or
- (c) any certified copy of any public document or bye-law or of any entry in any public register or book,

is admissible in evidence for any purpose in that Territory, it shall be admitted in evidence to the same extent and for the same purpose in all courts if it purports to be sealed or impressed with a stamp, or sealed and signed, or signed alone, or impressed with a stamp and signed, as directed by such law, without any proof of the seal or stamp, or of the signature or of the official character of the person appearing to have signed the same, and without any further proof thereof, in every case in which the original document could have been received in evidence.

Proof of debates and proceedings of Legislature.

12. (1) All documents purporting to be copies of the debates and the proceedings of either chamber of the Federal Legislature or of papers presented to either chamber, or of the debates and proceedings of the Legislature of any Territory or of papers presented to that Legislature, if purporting to be printed by the Government Printer of the Federation or of the Territory, as the case may be, shall on their mere production be admitted as evidence thereof in all courts.

(2) For the purposes of this section the expression "Legislature of a Territory" shall in the case of a Territory the Legislature whereof comprises two chambers, include each of those chambers separately.

Proof of official Gazettes.

13. The mere production of a paper purporting to be the Gazette of The West Indies or the official Gazette of a Territory shall in all courts be evidence that such paper is such Gazette and was published on the day on which it bears date.

14. (1) A copy of the Gazette of The West Indies ^{Gazette to be evidence of contents thereof.} admissible under the provisions of this Act shall in all courts be evidence of the matters therein contained which are authorised or required by or under any Act to be published in or with the Gazette.

(2) Where under the law for the time being in operation in a Territory a copy of the official Gazette of that Territory is evidence in the courts of that Territory of matters contained therein, a copy of that Gazette shall in all courts be evidence to the same extent of such matters.

15. The mere production of a paper purporting to be printed by the Government Printer of the Federation or of a Territory or by the authority of the Government of the Federation or the Government of a Territory shall in all courts be evidence that such paper was printed by such Government Printer or by such authority. ^{Proof of printing by Government Printer.}

16. (1) Where by any law at any time in operation the Governor-General or a Minister is authorised or empowered to do any act, production of the Gazette purporting to contain a copy or notification of any such act shall in all courts be evidence of the act having been duly done. ^{Proof of act done by — Governor-General or Minister.}

(2) Where by any law at any time in operation the Governor of a Territory or a Minister in respect of the government of a Territory is authorised or empowered to do any act, production of the official Gazette of that Territory purporting to contain a copy or notification of any such act shall in all courts be evidence of such act having been duly done. ^{and by Governor or Minister of a Territory.}

17. (1) All courts shall admit as evidence of the incorporation of a company incorporated or registered in any Territory a certificate of the incorporation or registration thereof which purports to be signed by the Registrar or an Assistant Registrar or deputy registrar of companies in that Territory, and the date of incorporation or registration mentioned in such certificate shall be evidence of the date on which the company was incorporated or registered. ^{Proof of incorporation of company.}

(2) Any copy of or extract from any document kept and registered at the office for the registration of companies

in any Territory, if certified under the hand of the Registrar or an Assistant Registrar or deputy registrar, shall in all courts be admissible in evidence in all cases in which the original document is admissible in evidence and for the same purposes and to the same extent.

Proof of
judicial
proceedings.

18. Evidence of any judicial proceeding of any federal court, any court of the several Territories, any Judge, magistrate or justice of the peace, including any affidavit, pleading, or other legal document filed or deposited in such court, may be given in all courts by the production of a document purporting to be a copy thereof, and

- (a) proved to be an examined copy thereof; or
- (b) purporting to be sealed with the seal of the court; or
- (c) purporting to be certified as a true copy by the Registrar or deputy registrar of the court; or
- (d) purporting to be signed by a judge of such court with a statement in writing attached by him to his signature that such court has no seal and without proof of his judicial character or of the truth of such statement.

No proof of
handwriting
required.

19. Where under this Act a document is declared to be admissible if it purports to be signed by any person as the holder of any office, either as the person making or issuing the document, or certifying a true copy thereof or extract therefrom, the mere production of such document shall be evidence that the signature is the signature of such person and that when he signed it he was the holder of such office.

Punish-
ment for
forging or
falsely
tendering
in evidence
documents
admissible
under this
Act.

20. Any person who—

- (a) prints any copy of any of the following documents that is to say—
 - (i) the Gazette of The West Indies or the official Gazette of a Territory,

(ii) an Act or a law of the Legislature of a Territory,

(iii) any statutory instrument (including an instrument to which section 8 applies),

which falsely purports to have been printed by the Government Printer of the Federation or of a Territory, as the case may be, or under the authority of the Government of the Federation or the Government of a Territory, as the case may be, or tenders in evidence any such copy knowing that it was not so printed; or

(b) forges or tenders in evidence, knowing the same to have been forged, any certificate by this Act authorised to be annexed to a copy or extract from any such document; or

(c) forges or tenders in evidence, knowing it to be forged, any document which is made evidence by or under any Act for the time being in operation,

shall be guilty of a felony and on conviction thereof shall be liable to imprisonment for seven years.

21. The provisions of this Act shall be in addition to and not in derogation of any powers existing at common law, or given by any law from time to time in operation in any Territory.

This Act not to derogate from powers existing aliunde.