

No. 12—1942.

Evidence (Amendment).

AN ORDINANCE to amend the Evidence Ordinance,
Ch. 7. No. 9.

Commencement.

[21st May, 1942.]

Short title.

1. This Ordinance may be cited as the **Evidence (Amendment) Ordinance, 1942.**

Amendment
of Ch. 7.
No. 9, by
addition of
new Part.

2. The Evidence Ordinance is hereby amended by inserting the following PART immediately after PART II thereof—

PART IIA.

REPORTS AND CERTIFICATES OF CERTAIN EXPERT
WITNESSES.

Reports and
certificates
admissible in
evidence in
certain
circumstances.

12A. (1) In this section the expression "Government expert" refers to the officers from time to time holding the following appointments in the public service of the Colony or acting in such appointments:—

- (a) Senior Pathologist ;
- (b) Pathologist ;
- (c) Government Chemist ;
- (d) any other appointment as pathologist bacteriologist or chemist declared by the Governor in Council by notification published in the *Royal Gazette* to be an appointment to which this section applies.

(2) In any criminal proceeding, not being a proceeding in any such Court Martial as is referred to in section 12, any document purporting to be a certificate or report under the hand of a Government expert on any matter or thing which has been submitted to him for examination, analysis or report shall be admissible as evidence of the facts stated therein without proof of the signature or appointment of such Government expert, unless the Court, acting *ex proprio motu* or at the request of a party to the proceeding requires any such expert to be called as a witness. The Court shall not be bound to require the attendance of such expert as a witness if the Court is of opinion that the request for such attendance is made for the purpose of vexation, delay or defeating the ends of justice.

(3) In any inquest held by a Coroner any such certificate or report shall likewise be admissible as evidence of the facts stated therein unless the Coroner requires such expert to be called as a witness.