

[Reprinted on the 3rd February, 1976, pursuant to the Acts Republication Act, 1967, as amended, and incorporating all amendments made prior to that date.]

EVIDENCE (AFFIDAVITS) ACT, 1928-1974

being

Evidence (Affidavits) Act, 1928, No. 1856 of 1928 [Assented to 4th October, 1928];

as amended by

Evidence (Affidavits) Act Amendment Act, 1968, No. 5 of 1968 [Assented to 19th September, 1968];

and

Evidence (Affidavits) Act Amendment Act, 1974, No. 68 of 1974 [Assented to 17th October, 1974].

An Act to enable justices of the peace and other persons to take affidavits for use in any court.

Long title amended by 5, 1968, s. 2; 68, 1974, s. 2.

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

1. This Act may be cited as the "Evidence (Affidavits) Act, 1928-1974".

Short title. Citation amended by 68, 1974, s. 1 (3).

2. (1) Affidavits for use in any court of the State may be sworn before any justice without the issue of any commission for taking affidavits.

Power of justice to take affidavits.

(2) In this section "justice" means justice of the peace in and for the State of South Australia and includes any magistrate, by whatever name called, who is authorized to act as a justice of the peace in and for the said State.

2a. (1) Affidavits for use in any court of the State may be sworn before—

Power of proclaimed bank managers and other persons to take affidavits. S. 2a enacted by 5, 1968, s. 3. Subsec. (1) amended by 68, 1974, s. 3 (a).

(a) any proclaimed bank manager;

Para. (a) inserted by 68, 1974, s. 3 (a).

(b) any proclaimed postmaster;

Para. (b) inserted by 68, 1974, s. 3 (a).

or

(c) any proclaimed member of the police force of the State.

Para. (c) inserted by 68, 1974, s. 3 (a).

(2) In this section, "proclaimed bank manager", "proclaimed postmaster" and "proclaimed member of the police force" mean a proclaimed bank manager, a proclaimed postmaster or a proclaimed member of the police force within the meaning of the Oaths Act, 1936-1969.

Subsec. (2) substituted by 68, 1974, s. 3 (b).

3. Judicial and official notice shall be taken by every court and every officer of a court of the signature of every person authorized by this Act to

Judicial notice of signature of justice.

take affidavits, when such signature is contained in or subscribed to any affidavit purporting to be sworn before such person.

Penalty for
false swearing.

4. Any person who wilfully swears falsely in any affidavit sworn before any person authorized by this Act to take affidavits shall be guilty of perjury and may be prosecuted and punished accordingly.
