

SOUTH AUSTRALIA

EVIDENCE (AFFIDAVITS) ACT 1928

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **3 July 1997**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

1. Short title
2. Power of justice to take affidavits
- 2A. Power of proclaimed managers and other persons to take affidavits
3. Judicial notice of signature of justice
4. Penalty for false swearing

**APPENDIX
LEGISLATIVE HISTORY**

EVIDENCE (AFFIDAVITS) ACT 1928

being

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

as amended by

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

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

Statutes Amendment (References to Banks) Act 1997 No. 30 of 1997 [Assented to 12 June 1997]¹

¹ **Part 6 (s. 8) came into operation 3 July 1997: *Gaz.* 3 July 1997, p. 4.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the Act see Appendix.*

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

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Evidence (Affidavits) Act 1928*.

Power of justice to take affidavits

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.

(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 authorised to act as a justice of the peace in and for the said State.

Power of proclaimed managers and other persons to take affidavits

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

- (a) any proclaimed manager; or
- (b) any proclaimed postmaster; or
- (c) any proclaimed member of the police force of the State.

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

Judicial notice of signature of justice

3. Judicial and official notice shall be taken by every court and every officer of a court of the signature of every person authorised by this Act to 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 authorised by this Act to take affidavits shall be guilty of perjury and may be prosecuted and punished accordingly.

Evidence (Affidavits) Act 1928

APPENDIX

LEGISLATIVE HISTORY

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 3 of The Public General Acts of South Australia 1837-1975 at page 823.
- Legislative history since 3 February 1976 is as follows:

Section 2A(1):	amended by 30, 1997, s. 8(a)
Section 2A(2):	amended by 30, 1997, s. 8(b)