

South Australia

Evidence (Affidavits) Act 1928

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

Contents

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

Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

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

2—Power of justice to take affidavits

- (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.

2A—Power of proclaimed managers and members of police force to take affidavits

- (1) Affidavits for use in any court of the State may be sworn before a proclaimed manager or a proclaimed member of the police force.
- (2) In this section—

proclaimed manager and *proclaimed member of the police force* have the same meanings as in Part 5 of the *Oaths Act 1936*.

3—Judicial notice of signature of justice

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.

4—Penalty for false swearing

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.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1928	1856	<i>Evidence (Affidavits) Act 1928</i>	4.10.1928	4.10.1928
1968	5	<i>Evidence (Affidavits) Act Amendment Act 1968</i>	19.9.1968	19.9.1968
1974	68	<i>Evidence (Affidavits) Act Amendment Act 1974</i>	17.10.1974	17.10.1974
1997	30	<i>Statutes Amendment (References to Banks) Act 1997</i>	12.6.1997	Pt 6 (s 8)—3.7.1997 (<i>Gazette</i> 3.7.1997 p4)
1998	59	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1998</i>	3.9.1998	Pt 5 (s 9)—13.12.1998 (<i>Gazette</i> 3.12.1998 p1676)
2005	8	<i>Oaths (Abolition of Proclaimed Managers) Amendment Act 2005</i>	21.4.2005	Sch 1—1.1.2007: s 2(2)

Provisions amended since 3 February 1976

- 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.

New entries appear in bold.

Provision	How varied	Commencement
s 2A	amended by 30/1997 s 8	3.7.1997
	substituted by 59/1998 s 9	13.12.1998

Historical versions

Reprint No 1—3.7.1997