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VICTORIÆ REGINÆ.

A.D. 1882.

No. 245.

An Act to enable Persons Accused of Offences to give Evidence on Oath.

[Assented to, August 30th, 1882.]

WHEREAS it is expedient to enable persons accused of offences to give evidence on oath—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. Notwithstanding any law or ordinance to the contrary, from and after the passing of this Act any person accused of any felony, misdemeanor, or other indictable offence, or of any offence punishable on summary conviction, shall, if such person so desires, be competent and entitled to be sworn and give evidence as a witness on the trial of the felony, misdemeanor, or offence with which he is charged, and also in like manner may give evidence on any preliminary investigation into the said felony, misdemeanor, or offence, before Justices prior to the said trial: Provided that no presumption of guilt shall be made from the fact of such person electing not to give evidence.

Accused persons may give evidence on oath.

2. Should such person give evidence on any preliminary investigation, the evidence so given shall be taken down in writing, and signed by the person giving the same, and also by the Justice or Justices, and shall be forwarded to the Attorney-General, together with the depositions of the witnesses, and afterwards upon the

Evidence to be taken, and may be used against accused person.

Accused Persons Evidence Act.—1882.

the trial of any accused person, the same may be given in evidence against him without further proof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same.

Interpretation.

3. The word person whenever used in this Act shall mean as well the person charged as the husband or wife of such person.

Right of reply.

4. The Crown shall not be entitled to the right of reply by reason only of such person having given evidence.

Persons giving evidence may be cross-examined.

5. Any person so giving evidence shall be liable to be cross-examined as in the case of any other witness, and shall not be excused from answering any question on the ground that the answer may tend to criminate himself, and shall be liable to be prosecuted and punished for any perjury committed in such evidence in the same way as any other person now or heretofore competent to be examined as a witness: Provided always, any husband or wife of any accused person so giving evidence as aforesaid shall be excused from answering any question on the ground that the answer may tend to criminate himself or herself, as the case may be.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.