



# Evidence Act (Northern Ireland) 1939 <sup>F1</sup>

## 1939 CHAPTER 12

An Act to amend the law of evidence.

[4th July 1939]

F1 1979 NI 8

*Ss. 1, 2 rep. by 1997 NI 21*

### **3 Proof of instrument to validity of which attestation is necessary.**

Subject as hereafter in this section provided, in any proceedings, whether civil or criminal, an instrument to the validity of which attestation is requisite may, instead of being proved by an attesting witness, be proved in the manner in which it might be proved if no attesting witness were alive:

Provided that nothing in this section shall apply to the proof of wills or other testamentary documents.

### **4 Presumptions as to documents twenty years old.**

In any proceedings, whether civil or criminal, there shall, in the case of a document proved, or purporting, to be not less than twenty years old, be made any presumption which immediately before the commencement of this Act would have been made in the case of a document of like character proved, or purporting, to be not less than thirty years old.

### **5 Rules of court as to proof by affidavit.**

- (1) Rules of court [<sup>F2</sup> and county court rules] may provide for orders being made at any stage of any civil proceedings directing that specific facts may be proved at the trial by affidavit with or without the attendance of the deponent for cross-examination, notwithstanding that a party desires the attendance of the deponent for cross-examination and that he can be produced for that purpose.

*Subs.(2) rep. by 1959 c.25 (NI)*

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*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Evidence Act (Northern Ireland) 1939. (See end of Document for details)*

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**F2** 1978 c.23

## **6 Interpretation.**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

*Definitions rep. by 1997 NI 21*

“Proceedings” includes arbitrations and references;

*Definition rep. by 1978 c.23*

*Definition rep. by 1997 NI 21*

*Subs.(2) rep. by 1954 c.33 (NI)*

## **7 Savings.**

Nothing in this Act shall—

- (a) prejudice the admissibility of any evidence which would, apart from the provisions of this Act, be admissible;<sup>F3</sup>...

*Para. (b) rep. by 1997 NI 21*

**F3** 1997 NI 21

## **8 Short title.**

- (1) This Act may be cited as the Evidence Act (Northern Ireland), 1939.

*Subs.(2) rep. by SLR (NI) 1952*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Evidence Act (Northern Ireland) 1939.