

CHAPTER 45

BANKERS' BOOKS EVIDENCE

Ordinances Nos. 2 of 1932, 37 of 1966

AN ACT TO AMEND THE LAW OF EVIDENCE WITH RESPECT TO BANKERS' BOOKS.

[25th February, 1932.]

Short title

1. This Act may be cited as the Bankers' Books Evidence Act.

Interpretation

2. In this Act, unless the context otherwise requires—

“bank” means a bank licensed under the provisions of the Banking Act, and includes the National Bank of Fiji; (*Substituted by 37 of 1966, s. 12.*)

“banker” means any person who carries on the business of a bank: (*Substituted by 37 of 1966, s.12.*)

“banker's books” includes ledgers, day-books, cash-books, account-books and all other books used in the ordinary business of the bank;

“legal proceeding” means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration;

“the court” means the Supreme Court or the court, arbitrator or person before whom a legal proceeding is held or taken. (*Cap. 182*)

Mode of proof of entries in banker's book

3. Subject to the provisions of this Act, a copy of any entry in a banker's book shall in all legal proceedings be received as prima facie evidence of such entry and of the matters, transactions and accounts therein recorded.

Proof that book is a banker's book

4. A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be first proved that the book was at the time of the making of the entry one of the ordinary books of the bank, and that the entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank.

Such proof may be given by an officer of the bank and may be given orally, or by an affidavit sworn before any commissioner or person authorised to take affidavits.

Verification of copy

5. A copy of an entry in a banker's book shall not be received in evidence under the provisions of this Act unless it be further proved that the copy has been examined with the original entry and is correct.

Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally, or by an affidavit sworn before any commissioner or person authorised to take affidavits.

Case in which banker, etc., not compellable to produce book, etc.

6. A banker or officer of a bank shall not in any legal proceeding to which the bank is not a party be compellable to produce any banker's book the contents of which can be proved under the provisions of this Act, or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the court made for special cause.

Court may order inspection etc.

7. On the application of any party to a legal proceeding the court may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings.

Controlled by Ministry of Attorney-General