



Evidence Act 1938

1938 CHAPTER 28 1 and 2 Geo 6

An Act to amend the Law of Evidence.

[26th May 1938]

1^{F1}

Textual Amendments

F1 S. 1 repealed (31.1.1997) by 1995 c. 38, s. 15(2), Sch. 2 ; S.I. 1996/3217, art. 2

F2²

Textual Amendments

F2 S. 2 repealed (31.1.1997) by 1995 c. 38, s. 15(2), Sch. 2; S.I. 1996/3217, art. 2

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

Subject as hereinafter 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.

Changes to legislation: There are currently no known outstanding effects for the Evidence Act 1938. (See end of Document for details)

5 ^{F3}

Textual Amendments
F3 S. 5 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

6 Interpretation and savings.

- (1) ^{F4} . . . “Proceedings” includes arbitrations and references ^{F4} . . .
- (2) Nothing in this Act shall—
 - (a) prejudice the admissibility of any evidence which would apart from the provisions of this Act be admissible; or
 - (b) . . .

Textual Amendments
F4 S. 6(1) except the words from “Proceedings” to “references” repealed (31.1.1997) by [1995 c. 38, s. 15\(2\)](#), [Sch. 2, S.I. 1996/3217](#), art. 2

7 †Short title, extent and commencement.

- (1) This Act may be cited as the Evidence Act 1938.
- (2) This Act shall not extend to Scotland or Northern Ireland.
- (3) ^{F5}

Textual Amendments
F5 S. 7(3) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)

Modifications etc. (not altering text)
C1 Unreliable marginal note.

Changes to legislation:

There are currently no known outstanding effects for the Evidence Act 1938.