



CHAPTER 18.

An Act to amend the Evidence and Powers of Attorney Act, 1940, to provide for the proof of notarial acts of certain foreign, diplomatic and consular representatives, and for purposes connected therewith.

[22nd April 1943.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Evidence and Powers of Attorney Act, 1940 (hereafter in this Act referred to as the "principal Act") shall have effect as if after subsection (2) of section one of that Act (which enables provision to be made for empowering officers of His Majesty's naval, military and air forces and members of the diplomatic, consular or other foreign service of a foreign Power to administer oaths and take affidavits in time of war) the following subsection were inserted—

Authority to administer oaths in certain countries.
3 & 4 Geo. 6.
c. 28.

"(2A) If the Lord Chancellor is satisfied that in any country or place outside the United Kingdom conditions are such that adequate provision for the administration of oaths and the taking of affidavits cannot be made by means of orders conferring powers upon persons of the descriptions specified in the foregoing provisions of this section, he may by order provide for empowering other persons having such qualifications as may be specified in the order, or acting in any such capacity as may be so specified, to administer oaths and take affidavits in that country or place for all or any of the purposes aforesaid."

Deposit of
photographic
copies of
certain
powers of
attorney.

2. Rules of court made in pursuance of section three of the principal Act (which requires the deposit or registration of certain instruments creating powers of attorney executed outside the United Kingdom during the present war) may make provision, in such cases and subject to such conditions as may be specified in the rules, for the deposit or registration of photographic copies of such instruments and of any affidavits of due execution required in connection therewith, instead of the originals.

Offences.

3.—(1) If any person in any oath or affidavit taken or made in pursuance of section one of the principal Act in any place outside the United Kingdom for the purposes of any proceeding or matter in any part of the United Kingdom, makes any statement which, if the oath or affidavit had been taken or made in that part, would constitute the offence of perjury, he shall be guilty of the like offence as if the oath or affidavit had been so taken or made.

(2) Where any document made outside the United Kingdom, or any copy of such a document, is transmitted to any part of the United Kingdom for deposit or registration under section three of the principal Act, any act done in relation thereto which, if it had been done in that part, would constitute, in England or Northern Ireland, an offence against the Forgery Act, 1913, or, in Scotland, the crime of uttering a forged document, shall be deemed to have been so done, and for the purpose of this subsection and of section six of the said Act (which relates to the uttering of forged documents) any copy so transmitted of a forged document shall be deemed itself to be a forged document.

(3) In any proceedings in respect of an offence committed outside the United Kingdom in connection with any affidavit or other document of which a photographic copy is transmitted to any part of the United Kingdom the copy may be used in evidence without proof of the destruction of the original as if such proof had been given.

(4) A person charged with an offence under this section may be proceeded against, indicted, tried and punished in any county or place where he is apprehended or is in custody as if the offence had been committed in that county or place, and for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that county or place.

Evidence of
notarial acts
done by
certain foreign
diplomatic
and consular

4. The Secretary of State may by order direct that so much of subsection (2) of section six of the Commissioners for Oaths Act, 1889, as relates to the proof of notarial acts done in foreign countries and places by British diplomatic and consular officers shall apply in relation to notarial acts done by such persons as

may be specified in the order, being persons serving in the diplomatic, consular or other foreign service of a Power which, by arrangement with His Majesty, has undertaken to represent His interests in any country or place in which His Majesty has appointed on the advice of His Government in the United Kingdom.

representatives.
52 & 53 Vict.
c. 10.

5.—(1) References in this Act to the principal Act shall, except where the context otherwise requires, be construed as references to that Act as amended by this Act.

Construction,
short title and
citation.

(2) This Act may be cited as the Evidence and Powers of Attorney Act, 1943, and this Act and the principal Act may be cited together as the Evidence and Powers of Attorney Acts, 1940 and 1943.

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