STATUTORY INSTRUMENTS

1961 No. 2050

EVIDENCE

The Evidence (Sarawak) Order, 1961

Made - - - - 24th October, 1961

At the Court at Buckingham Palace, the 24th day of October, 1961

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty in Council is satisfied upon consideration of a report from the Lord Chancellor and the Secretary of State for the Colonies that, having regard to the law of the Colony of Sarawak as to the recognition therein of public registers of the United Kingdom as authentic records and as to the proof of the contents of such registers and other matters by means of duly authenticated certificates issued by the public officers in the United Kingdom, it is desirable in the interests of reciprocity to make with respect to public registers of the Colony of Sarawak and certificates issued by public officers in or in respect of the said Colony such provision as is hereinafter mentioned:

Now, therefore, Her Majesty, by virtue and in the exercise of the powers conferred on Her by the Evidence (Foreign, Dominion and Colonial Documents) Act, 1933(a), and all other powers in that behalf in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. The registers of the Colony of Sarawak specified in the first column of the Schedule to this Order shall be deemed to be public registers kept under the authority of the law of the Colony and recognised by the courts thereof as authentic records, and to be documents of such a public nature as to be admissible as evidence of the matters regularly recorded therein.

2. For the purposes of the preceding Article all matters recorded in the register shall be deemed, until the contrary is proved, to be regularly recorded.

3. Subject to any requirements of rules of court, a document which purports to be issued in the Colony of Sarawak as an official copy of an entry in a register specified in the first column of the Schedule to this Order and which purports to be authenticated by an officer of the Colony in the manner specified in that Schedule, shall, without evidence as to the custody of the register or of inability to produce it and without any further or other proof, be received as evidence that the register contains such an entry.

4. Nothing in this Order shall be taken to prohibit or restrict the admission in evidence of any copy, extract, summary, certificate or other document whatsoever which, apart from the provisions of this Order, would be admissible as evidence of any particular matter, or to affect any power which, otherwise than by virtue of this Order, is exercisable by any court with respect to the admission of documents in evidence.

(a) 23 & 24 Geo. 5. c. 4.

5.—(1) This Order may be cited as the Evidence (Sarawak) Order, 1961.

(2) This Order extends to all parts of the United Kingdom and shall come into operation forthwith.

W. G. Agnew.

SCHEDULE

Register	Certifying Officer	Mode of Authentication
Register of Births ...	The Registrar - General, a Senior Registrar or a Registrar	The seal of the Office of the Registrar-General and the signature of the certifying officer
Register of Still Births	do.	do.
Register of Church Marriages	The Senior Marriage Registrar or a Marriage Registrar	The signature and seal of the certifying officer
Register of Civil Marriages	do.	The signature of the certifying officer
Register of Deaths ...	The Registrar - General, a Senior Registrar or a Registrar	The seal of the Office of the Registrar-General and the signature of the certifying officer

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes entries contained in specified public registers of Sarawak admissible in evidence in the United Kingdom and provides for their proof by official certificates.