

BANKER'S BOOKS (EVIDENCE) ACT

CHAPTER 5:04

**Act
L.I. 2 of 1881**

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

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ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Interpretation
 3. Mode of proof of entry in banker's book
 4. Proof that book is a banker's book.
 5. Verification of copy.
 6. Case in which banker, etc., not compellable to produce books.
 7. Court or Judge may order inspection.
 8. Costs.
 9. Computation of time.
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CHAPTER 5:04

BANKER'S BOOKS (EVIDENCE) ACT

1961 Ed.
Cap. 62.
2 of 1881.

AN ACT respecting the admissibility of bankers books in legal proceedings.

Commencement [21st November 1881]

Short title. 1. This Act may be cited as the –
BANKER'S BOOKS (EVIDENCE) ACT.

Interpretation. 2. In this Act –
“bank” or “banker” may mean any person, persons, partnership, or company carrying on the business of bankers;
“banker's books” include ledgers, day books, cash books, account books, and all other books used in the ordinary business of the bank;
“Court” means the Court, Judge, arbitrator, person, or persons before whom a legal proceeding is held or taken;
“legal proceeding” means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration.

Mode of proof of entry in banker's book. 3. Subject to 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 is 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 banker.

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

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

Verification of copy.

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.

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

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

7. On the application of any party to a legal proceeding, a Court or Judge may order that the party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of the proceeding. An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank three clear days before the same is to be obeyed, unless the Court or Judge otherwise directs.

Court or Judge may order inspection.

8. The costs of any application to a Court or Judge under this Act and the costs of anything done or to be done under an order of a Court or Judge made under or for the purposes of this Act, shall be in the discretion of the Court or Judge who may order the same or any part thereof to be paid to any party by the bank where the same have been occasioned by any default or delay on the part of the bank. Any such order against a bank may be enforced as if the bank was a party to the proceeding.

Costs.

9. Public holidays shall be excluded from the computation of time under this Act.

Computation of time.

