

THE EVIDENCE ACT

ARRANGEMENT OF SECTIONS

1. Short title.

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SCHEDULE

Cap. 118.
Laws
22 of 1954,
31 of 1960
S. 29.
Acts
40 of 1968,
42 of 1969
3rd. Sch.,
12 of 1995,
12 of 2009
3rd Sch.

THE EVIDENCE ACT

[1843.]

1. This Act may be cited as the Evidence Act.

Short title.

PART I. *Competency of Witnesses*

2. No person offered as a witness shall be excluded, by reason of incapacity from crime or interest, from giving evidence either in person or by deposition, according to the practice of the court, on the trial of any issue joined, or of any matter or question or any inquiry arising in any suit, action, or proceeding, civil or criminal, in any court, or before any Judge, Jury, Coroner, Magistrate, Officer, or person having by law or by consent of parties authority to hear, receive, and examine evidence; but every person so offered may and shall be admitted to give evidence on oath (or solemn affirmation in those cases wherein affirmation is by law receivable) notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or inquiry, or of the suit, action, or proceeding, in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence:

Removal of
incapacity
to testify
from
crime or
interest.

Provided, that this section shall not repeal any provision in the Wills Act:

Provided also that in Courts of Equity any defendant to any cause pending in any such Court may be examined as a witness on the behalf of the plaintiff or of any co-defendant in any such cause, saving just exceptions, and that any interest which such defendant so to be examined may have in the matters, or any of the matters, in question