

I ASSENT

[L.S.]

PEARLETTE LOUISY,  
*Governor-General.*

*20th March, 2006.*

## SAINT LUCIA

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**No. 16 of 2006**

AN ACT to amend the Evidence Act 2002, No. 5.

[ 27th March, 2006 ]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

**Short title**

1. This Act may be cited as the Evidence (Amendment) Act 2006.

**Interpretation**

2. In this Act "principal Act" means the Evidence Act 2002, No.5.

**Amendment of section 6**

3. Subsection (1) of section 6 of the principal Act is amended by —

- (a) deleting the word "or" at the end of paragraph (e);
- (b) deleting the full stop after paragraph (f) and substituting a comma; and
- (c) adding the following paragraphs immediately after paragraph (f):
  - “(g) the person is declared by a court to be physically or mentally incapacitated; or
  - (h) the person is prevented from attending to give evidence by threats of bodily harm or attendance to give evidence by the person exposes the person to threats of bodily harm or bodily harm.”.

**Amendment of section 15**

4. Subsection (4) of section 15 of the principal Act is amended by inserting the words “or (3)” between the words “subsection (2)” and “but” appearing in that section.”.

**Amendment of section 46**

5. Section 46 of the principal Act is amended by deleting the words “reasonably open” wherever they appear in subsection (1) and by substituting the word “reasonable”.

**Amendment of section 55**

6. Section 55 of the principal Act is amended by —
  - (a) in subsection (4) —

- (i) deleting the word “an” appearing before the word “record” in paragraph (a) (ii) and by substituting the word “a”; and
  - (ii) deleting the word “were” appearing between the words “she” and “living” in paragraph (a) (iv) and by substituting the word “was”; and
- (b) inserting the word “it” between “(11)” and the word “is” appearing in subsection (12).

**Amendment of section 57**

7. Section 57 of the principal Act is amended by —

- (a) inserting the words “not exceeding ten thousand dollars” between the words “fine” and “or” appearing in paragraph (a) of subsection (3); and
- (b) inserting the words “not exceeding two thousand dollars or to both” after the word “fine” in paragraph (b) of subsection (3).

**Amendment of section 59**

8. Section 59 of the principal Act is amended by deleting subsection (1) and by replacing it with the following —

“(1) This section applies to reports made pursuant to the Medical Evidence Ordinance 1965, No. 14, the Firearms Act 2003, No.9 and the Drugs (Prevention of Misuse) Act 1988, No. 22 and other expert reports.”.

**Amendment of section 135**

9. Section 135 of the principal Act is amended by deleting the word “which” appearing in subsection (2) and by substituting the word “with”.

**Amendment of section 148**

10. Section 148 of the principal Act is amended by deleting the word “and other writings” appearing after the word “wills” in

paragraph (b) and by placing the same after the word “affidavits” in that same paragraph.

**Amendment of section 149**

11. Section 149 of the principal Act is amended by deleting the words “and other writings” appearing after the word “wills” and by placing the same after the word “affidavits” appearing in the same section.

**Amendment of section 152**

12. Section 152 of the principal Act is amended by deleting subsection (5) and by substituting the following —

“ (5) For the purposes of this section “court” includes an inquest held under the Coroners Act 2002, No. 19.”.

**Amendment to First Schedule**

13. The First Schedule to principal Act is amended by —

12. (a) inserting the words "2004" after the words "Criminal Code" appearing in paragraph 2; and
- (b) deleting paragraph 3 and renumbering paragraph 4 as the new paragraph 3.

Passed in the House of Assembly this 7th day of February, 2006.

J. BADEN ALLAIN,  
*Speaker of the House of Assembly.*

Passed in the Senate this 2nd day of March, 2006.

HILFORD DETERVILLE,  
*President of the Senate.*