



EVIDENCE AMENDMENT ACT 1986

No. 34 of 1986

TABLE OF PROVISIONS

1. Short title.
2. Commencement.
3. Principal Act.
4. Amendment of section 85 of Principal Act (Evidence in criminal proceedings).



AN ACT to amend the Evidence Act 1910.

[Royal Assent 2 May 1986]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—This Act may be cited as the *Evidence Amendment Act* 1986. Short title.
- 2**—This Act shall commence on the day on which it receives the Royal assent. Commencement.
- 3**—In this Act, the *Evidence Act 1910** is referred to as the Principal Act. Principal Act.

* 1 Geo. V No. 20. For this Act, as amended to 1st June 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 52 of 1981, Nos. 60 and 75 of 1982, and No. 29 of 1984.

Amendment of
section 85 of
Principal Act
(Evidence in
criminal
proceedings).

4—Section 85 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:—

(3) In this section, a reference to the spouse of the defendant is a reference to a person who is the husband or wife of the defendant by virtue of a lawfully celebrated marriage ceremony—

(a) at the time the defendant is alleged to have committed the offence with which he is charged and at the time when he is tried for that offence; or

(b) at the time when the defendant is tried for the offence with which he is charged but not at the time when the defendant is alleged to have committed the offence.

(3A) A person who was the husband or wife of the defendant by virtue of a lawfully celebrated marriage ceremony at the time when the defendant is alleged to have committed the offence with which he is charged but not at the time when the defendant is tried for that offence may be compelled to give evidence in any criminal proceedings against the defendant and against any person jointly charged with the defendant.