

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.
 Short title.

THE EVIDENCE ACT

[1843.]

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

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