

LAWS OF BRUNEI

REVISED EDITION 1984

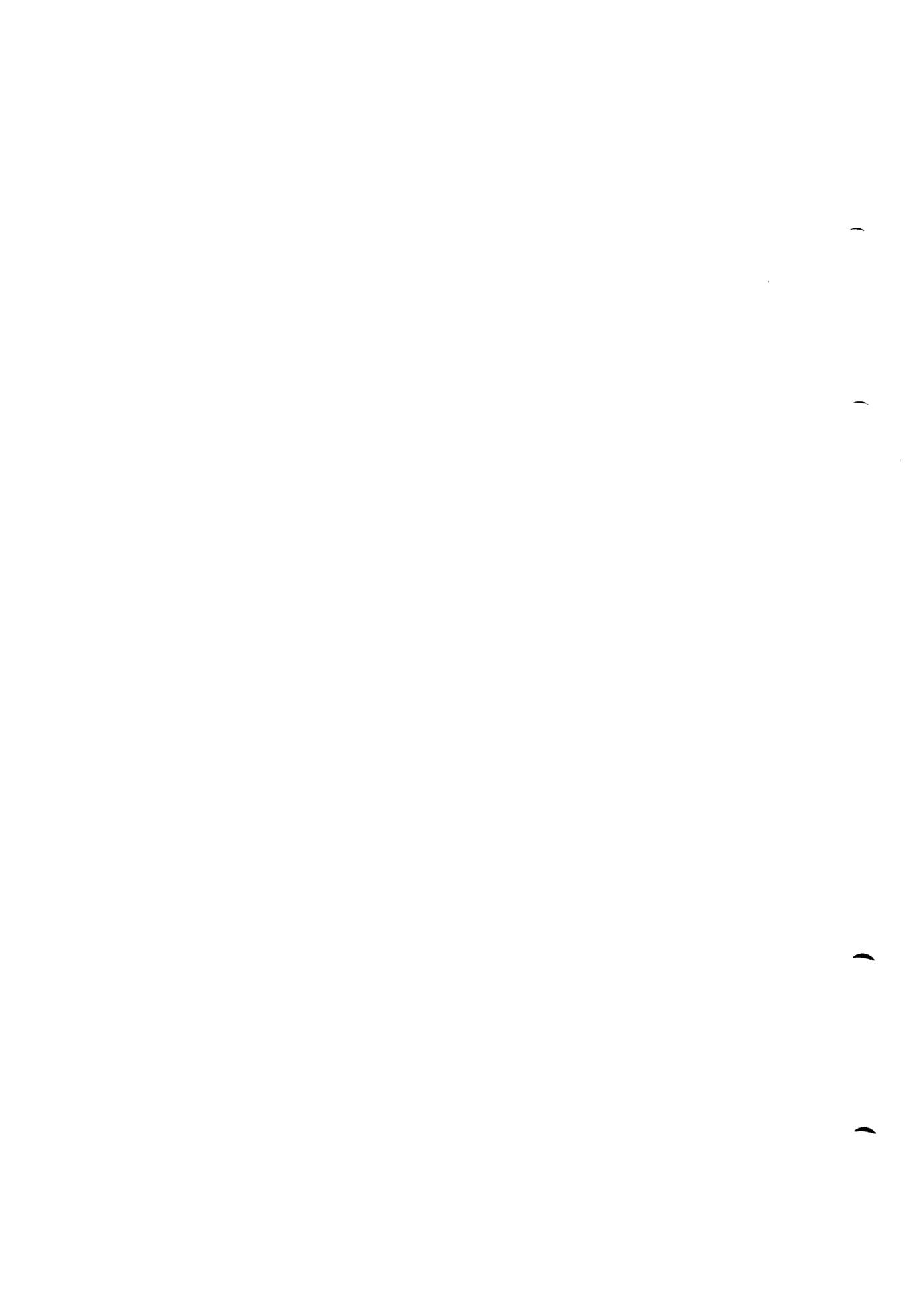
CHAPTER 107

BANKERS' BOOKS (EVIDENCE)

ARRANGEMENT OF SECTIONS

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BANKERS' BOOKS (EVIDENCE) ACT

An Act to unify the law of evidence relating to bankers' books*

2 of 1939
(Cap. 3 of
1951)

Commencement: 17th April 1939

1. This Act may be cited as the Bankers' Books (Evidence) Act. Short title

2. In this Act, unless the context otherwise requires — Interpretation

“bank” and “banker” means any company incorporated in Brunei including any company registered under Part IX of the Companies Act and carrying on the business of banking under a licence issued under any written law in force in Brunei;

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“bankers' books” include ledgers, day books, cash books, account books and all other books used in the ordinary business of the bank;

“Court” means the High Court and in connection with any proceedings before a Court of a Magistrate includes such Court;

“legal proceeding” means any civil or criminal proceeding or inquiry in which evidence is or may be given and includes an arbitration.

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.

Mode of
proof of en-
tries in bank-
ers' books

4. (1) 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

Proof that
book is a
banker's
book

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was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank.

(2) Such proof may be given by an officer of the bank, and may be given orally or by an affidavit sworn before any magistrate or person authorised to take affidavits.

Verification of copy

5. (1) 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.

(2) 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 magistrate or person authorised to take affidavits.

Case in which officer of bank not compellable to produce books, etc.

6. An officer of a bank shall not, in any legal proceedings to which the bank 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.

Court or Judge may order inspection

7. (1) On the application of any party to a legal proceeding the Court or a judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings.

(2) An order under this section may be made either on or without summoning the bank or any other party, and shall be served on the bank 3 clear days before the same is to be obeyed unless the Court or judge otherwise directs.

Costs

8. (1) The costs of any application to the Court or a judge under this Act, and the costs of anything done or to be done under an order of the Court or a judge made under 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 fault or delay on the part of the bank.

(2) Any such order against a bank may be enforced as if the bank was a party to the proceeding.

