

A BILL

FOR

AN ACT TO AMEND THE EVIDENCE ACT, 2011 TO RENDER ILLEGALLY OBTAINED EVIDENCE INADMISSIBLE; GIVE DISCRETION TO THE COURT WITH REGARDS TO CERTIFICATION OF ELECTRONICALLY GENERATED DOCUMENTS; PROVIDE FOR ADMISSIBILITY OF PUBLIC DOCUMENTS WITHOUT MAKERS OF SUCH DOCUMENTS BEING CALLED AS WITNESSES; AND FOR RELATED MATTERS

Sponsored by Hon Edward Gyang Pwajok

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 1. The Evidence Act 2011 (in this Bill referred to as the "Principal Act") is amended as set out in this Bill. Amendment of the Principal Act

2 2. The Principal Act is hereby amended by substituting and Amendment of Section 14
3 replacing it with a new section 14 as follows:

4 "Evidence obtained:
5 (a) improperly or in contravention of a law, or
6 (b) in consequence of an impropriety or of a contravention of a law
7 shall be inadmissible unless the Court is of the opinion that the desirability
8 of admitting the evidence out-weighs the undesirability of admitting
9 evidence that has been obtained in the manner in which the evidence was
10 obtained".

11 3. The Principal Act is hereby amended by inserting a new Amendment of Section 84
12 subsection (6) immediately after the existing paragraph (c) of Section (5) as
13 follows:
14

15 “(6) for the purpose of this section, certification of document (s)
16 shall be in such a manner as the court may approve”.

Amendment of
Section 104

1 4. The Principal Act is hereby amended by inserting a proviso
2 immediately after the existing subsection (3) as follows:

3 “Provided that a public officer shall not certify any document through
4 engraving his signature and/or names in a rubber stamp”.

Amendment of
Section 104

5 5. The Principal Act is hereby amended by inserting a new subsection
6 (4) immediately after the existing subsection (3) as follows:

7 “A document duly certified in accordance with the provisions of this section is
8 admissible in any proceedings without necessarily calling the maker of the
9 document as a witness in such proceeding”.

Citation

10 6. This Bill may be cited as the Evidence (Amendment) Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Evidence Act, 2011 to render illegally obtained evidence inadmissible; give discretion to the court with regards to certification of electronically generated documents; provide for admissibility of public documents without necessarily calling makers of such documents as witnesses.