

1989

c 68 Evidence Amendment Act, 1989

Ontario

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CHAPTER 68

An Act to amend the Evidence Act*Assented to December 14th, 1989*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of the *Evidence Act*, being chapter 145 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

52.—(1) In this section,

Definition

“practitioner” means,

- | | |
|---|------------------------|
| (a) a person licensed to practise under the <i>Health Disciplines Act</i> , | R.S.O. 1980,
c. 196 |
| (b) a drugless practitioner registered under the <i>Drugless Practitioners Act</i> , | R.S.O. 1980,
c. 127 |
| (c) a denture therapist under the <i>Denture Therapists Act</i> , | R.S.O. 1980,
c. 115 |
| (d) a chiropodist registered under the <i>Chiropody Act</i> , | R.S.O. 1980,
c. 72 |
| (e) a registered psychologist under the <i>Psychologists Registration Act</i> , or | R.S.O. 1980,
c. 404 |
| (f) a person licensed or registered to practise in another part of Canada under an Act that is similar to an Act referred to in clause (a), (b), (c), (d) or (e). | |

(2) A report obtained by or prepared for a party to an action and signed by a practitioner and any other report of the practitioner that relates to the action are, with leave of the court and after at least ten days notice has been given to all other parties, admissible in evidence in the action.

Medical reports

(3) Unless otherwise ordered by the court, a party to an action is entitled, at the time that notice is given under sub-

Entitlement

section (2), to a copy of the report together with any other report of the practitioner that relates to the action.

Report
required

(4) Except by leave of the judge presiding at the trial, a practitioner who signs a report with respect to a party shall not give evidence at the trial unless the report is given to all other parties in accordance with subsection (2).

If practi-
tioner called
unnecessarily

(5) If a practitioner is required to give evidence in person in an action and the court is of the opinion that the evidence could have been produced as effectively by way of a report, the court may order the party that required the attendance of the practitioner to pay as costs therefor such sum as the court considers appropriate.

Transition

2. The amendments to the *Evidence Act*, as enacted by this Act, apply to,

- (a) actions commenced but not settled or adjudicated upon before this Act comes into force; and
- (b) causes of action arising after this Act comes into force.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Evidence Amendment Act, 1989*.