



# Civil Evidence Act (Northern Ireland) 1971

## 1971 CHAPTER 36

### PART II

#### MISCELLANEOUS AND GENERAL

##### CONVICTIONS, ETC. AS EVIDENCE IN CIVIL PROCEEDINGS

#### 7 Convictions as evidence in civil proceedings.

- (1) In any civil proceedings the fact that a person has been convicted of an offence by or before any court in the United Kingdom or [<sup>F1</sup>of a service offence (anywhere)] shall (subject to subsection (3)) be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those proceedings, that he committed that offence, whether he was so convicted upon a plea of guilty or otherwise and whether or not he is a party to the civil proceedings; but no conviction other than a subsisting one shall be admissible in evidence by virtue of this section.
- (2) In any civil proceedings in which by virtue of this section a person is proved to have been convicted of an offence by or before any court in the United Kingdom or [<sup>F2</sup>of a service offence]—
  - (a) he shall be taken to have committed that offence unless the contrary is proved; and
  - (b) without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the conviction was based, the contents of any document which is admissible as evidence of the conviction, and the contents of the information, complaint, indictment or charge-sheet on which the person in question was convicted, shall be admissible in evidence for that purpose.
- (3) Nothing in this section shall prejudice the operation of section 9 or any other enactment whereby a conviction or a finding of fact in any criminal proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: Civil Evidence Act (Northern Ireland) 1971, Section 7 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Where in any civil proceedings the contents of any document are admissible in evidence by virtue of subsection (2), a copy of that document, or of the material part thereof, purporting to be certified or otherwise authenticated by or on behalf of the court or authority having custody of that document shall be admissible in evidence and shall be taken to be a true copy of that document or part unless the contrary is shown.

(5) Nothing in any of the following statutory provisions, that is to say—

*Para. (a) rep. by 1996 NI 24*

(b) section 12<sup>F3</sup> of the Criminal Justice Act 1948 (which makes similar provision in respect of convictions on indictment in England and Wales); and

[<sup>F4</sup>(bb) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);]

(c) section 9<sup>F5</sup> of the Criminal Justice (Scotland) Act 1949 (which corresponds to the said section 8);

or any enactment of the Parliament of the United Kingdom corresponding to the said section 8, shall affect the operation of this section; and for the purposes of this section any order made by a court of summary jurisdiction in Scotland under section 1<sup>F6</sup> or section 2<sup>F6</sup> of the said Act of 1949 shall be treated as a conviction.

[<sup>F7</sup>(7) In this section—

“service offence” has the same meaning as in the Armed Forces Act 2006;

“conviction” includes anything that under section 376(1) and (2) of that Act is to be treated as a conviction, and “convicted” is to be read accordingly.]

- F1** Words in s. 7(1) substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 59\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F2** Words in s. 7(2) substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 59\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F3** 1973 c.62
- F4** S. 7(5)(bb) inserted (28.3.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 59\(4\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F5** 1975 c.21
- F6** 1975 c.21
- F7** S. 7(7) substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) for s. 7(6) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 59\(5\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

**Modifications etc. (not altering text)**

- C1** S. 7 modified (24.4.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 12\(1\)](#)
- C2** S. 7(5)(bb) modified (24.4.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 12\(2\)](#)

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