



Civil Evidence Act 1968

1968 CHAPTER 64

PART II

MISCELLANEOUS AND GENERAL

Convictions, etc. as evidence in civil proceedings

11 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 [^{F1}of a service offence (anywhere)] shall (subject to subsection (3) below) 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 [^{F2}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 13 of this Act 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.

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- (4) Where in any civil proceedings the contents of any document are admissible in evidence by virtue of subsection (2) above, 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 enactments, that is to say—
- (a) [^{F3}section 82 of the Sentencing Code] (under which a conviction leading to ^{F4} . . . discharge is to be disregarded except as therein mentioned);
 - [^{F5}(aa) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);]
 - (b) [^{F6}section 191 of the ^{M1}Criminal Procedure (Scotland) Act 1975] (which makes similar provision in respect of convictions on indictment in Scotland); and
 - (c) section 8 of the ^{M2}Probation Act (Northern Ireland) 1950 (which corresponds to the said section 12) or any corresponding enactment of the Parliament of Northern Ireland for the time being in force,
- 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 [^{F6}section 383 or section 384 of the said Act of 1975] shall be treated as a conviction.

[^{F7}(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.]

Textual Amendments

- F1** Words in s. 11(1) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 51\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F2** Words in s. 11(2) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 51\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F3** Words in s. 11(5)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 20](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 11(5)(a) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), SIF 39:1, ss. 100, 101(2), [Sch. 11 para. 5](#), [Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)
- F5** S. 11(5)(aa) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 51\(4\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F6** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), s. 38(1)
- F7** S. 11(7) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) for s. 11(6) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 51\(5\)](#); 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. 11 extended by [S.R. 1983/153](#), [art. 18](#) and S.I. 1983/887, [art. 18](#)
- C2** S. 11 extended by [Fair Trading Act 1973 \(c.41\)](#), s. 36(1)
- S. 11 extended (20.6.2003) by [2002 c. 40](#), ss. 228(1)(a), 279; S.I. 2003/1397, art. 2(1), [Sch.](#)

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- C3** S. 11 modified (24.4.2009 for certain purposes and otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(2)(3), 205, **Sch. 1 para. 11(1)**
- C4** S. 11(5)(aa) modified (24.4.2009 for certain purposes and otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(2)(3), 205, **Sch. 1 para. 11(2)**

Marginal Citations

- M1** 1975 c. 21.
M2 1950 c. 7 (N.I.)

12 Findings of adultery and paternity as evidence in civil proceedings.

- (1) In any civil proceedings—
- (a) the fact that a person has been found guilty of adultery in any matrimonial proceedings; and
 - [^{F8}(b) the fact that a person has been found to be the father of a child in relevant proceedings before any court in England and Wales [^{F9}or Northern Ireland] or has been adjudged to be the father of a child in affiliation proceedings before any court in the United Kingdom;]
- shall (subject to subsection (3) below) be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those civil proceedings, that he committed the adultery to which the finding relates or, as the case may be, is (or was) the father of that child, whether or not he offered any defence to the allegation of adultery or paternity and whether or not he is a party to the civil proceedings; but no finding or adjudication 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 found guilty of adultery as mentioned in subsection (1)(a) above or [^{F10}to have been found or adjudged] to be the father of a child as mentioned in subsection (1)(b) above—
- (a) he shall be taken to have committed the adultery to which the finding relates or, as the case may be, to be (or have been) the father of that child, 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 finding or adjudication was based, the contents of any document which was before the court, or which contains any pronouncement of the court, in the [^{F10}other proceedings] in question shall be admissible in evidence for that purpose.
- (3) Nothing in this section shall prejudice the operation of any enactment whereby a finding of fact in any matrimonial or affiliation proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.
- (4) Subsection (4) of section 11 of this Act shall apply for the purposes of this section as if the reference to subsection (2) were a reference to subsection (2) of this section.
- (5) In this section—
- “matrimonial proceedings ” means any matrimonial cause in the High Court or [^{F11} family] court in England and Wales or in the High Court in Northern Ireland, any consistorial action in Scotland, or any appeal arising out of any such cause or action;

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[^{F12} “ relevant proceedings ” means—

- ^{F13}(a)
- (b) proceedings under the Children Act 1989;
- (c) proceedings which would have been relevant proceedings for the purposes of this section in the form in which it was in force before the passing of the Children Act 1989.]

^{F14}(d)

- [^{F15}(e) proceedings which are relevant proceedings as defined in section 8(5) of the Civil Evidence Act (Northern Ireland) 1971

“ affiliation proceedings ” means, in relation to Scotland, any action of affiliation and aliment;

and in this subsection “ consistorial action ” does not include an action of aliment only between husband and wife raised in the Court of Session or an action of interim aliment raised in the sheriff court.]

Textual Amendments

- F8** Words substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 29(1)(2), 33(2), Sch. 3 paras. 1, 6
- F9** Words in s.12(1)(b) inserted (4.11.1996) by S.I. 1995/756, art. 6(a); S.R. 1996/297, art. 3
- F10** Words substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 29(3), 33(2), Sch. 3 paras. 1, 6
- F11** Word in s. 12(5) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 10 para. 17; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** Definition of “relevant proceedings” substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, Sch. 16 para. 2(1); S.I. 1992/1883, art. 3, Sch.
- F13** Words in s. 12(5) omitted (1.4.2015) by virtue of The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), Sch. para. 15 (with arts. 1(3), 3)
- F14** S. 12(5)(d) repealed (1.4.2001) by 2000 c. 19, s. 85, Sch. 9 Pt. IX (with s. 83(6)); S.I. 2001/774, art. 2
- F15** S. 12(5)(e) added (4.11.1996) by S.I. 1995/756, art. 6(b); S.R. 1996/297, art. 3

13 Conclusiveness of convictions for purposes of defamation actions.

- (1) In an action for libel or slander in which the question whether [^{F16}the plaintiff] did or did not commit a criminal offence is relevant to an issue arising in the action, proof that, at the time when that issue falls to be determined, [^{F16}he] stands convicted of that offence shall be conclusive evidence that he committed that offence; and his conviction thereof shall be admissible in evidence accordingly.
- (2) In any such action as aforesaid in which by virtue of this section [^{F16} the plaintiff] is proved to have been convicted of an offence, 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 [^{F16}he] was convicted, shall, without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the conviction was based, be admissible in evidence for the purpose of identifying those facts.

[^{F17}(2A) In the case of an action for libel or slander in which there is more than one plaintiff—

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- (a) the references in subsections (1) and (2) above to the plaintiff shall be construed as references to any of the plaintiffs, and
 - (b) proof that any of the plaintiffs stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other plaintiff.]
- (3) For the purposes of this section a person shall be taken to stand convicted of an offence if but only if there subsists against him a conviction of that offence by or before a court in the United Kingdom or [^{F18}(in the case of a service offence) a conviction (anywhere) of that service offence]^{F18}.
- (4) Subsections (4) to [^{F19}(7)]^{F19} of section 11 of this Act shall apply for the purposes of this section as they apply for the purposes of that section, but as if in the said subsection (4) the reference to subsection (2) were a reference to subsection (2) of this section.
- (5) The foregoing provisions of this section shall apply for the purposes of any action begun after the passing of this Act, whenever the cause of action arose, but shall not apply for the purposes of any action begun before the passing of this Act or any appeal or other proceedings arising out of any such action.

Textual Amendments

- F16** Words in s. 13(1) substituted (4.9.1996) by 1996 c. 31, ss. 12(1), 19(1) (with s. 20(2))
- F17** S. 13 (2A) inserted (4.9.1996) by 1996 c. 31, ss. 12(1), 19(1) (with s. 20(2))
- F18** Words in s. 13(3) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 52\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F19** Words in s. 13(4) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 52\(b\)](#); 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)

- C5** S. 13 modified (24.4.2009 for certain purposes and otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(2)(3), 205, [Sch. 1 para. 11\(1\)](#)

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