



# Air Force Act 1955 (repealed)

1955 CHAPTER 19 3 and 4 Eliz 2

## PART V

### GENERAL PROVISIONS

#### *Provisions as to evidence*

#### **Textual Amendments applied to the whole legislation**

- F1** Act: the provisions of the 1955 Acts providing for findings of courts-martial to be subject to confirmation and to revision at the direction of the confirming officer cease to have effect (1.4.1997 subject to art. 3 of the commencing S.I.) by virtue of 1996 c. 46, s. 15; S.I. 1997/304, arts. 2, 3, **Sch. 2**

#### **198 General provisions as to evidence.**

- (1) The following provisions . . . <sup>F1</sup> shall have effect with respect to evidence in proceedings under this Act, whether before a court-martial, a civil court or otherwise.
- (2) A document purporting to be a copy of the attestation paper signed by any person and to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper shall be evidence of the enlistment of the person attested.
- (3) The attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is therein recorded as having given.
- (4) A letter, return or other document stating that any person—
  - (a) was or was not serving at any specified time or during any specified period in any part of Her Majesty's forces or was discharged from any part of those forces at or before any specified time, or
  - (b) held or did not hold at any specified time any specified rank or appointment in any of those forces, or had at or before any specified time been attached, posted or transferred to any part of those forces, or at any specified time or

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- during any specified period was or was not serving or held or did not hold any rank or appointment in any particular country or place, or
- (c) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe or emblem,
- shall, if purporting to be issued by or on behalf of [F<sup>2</sup>the Defence Council], . . . F<sup>3</sup>, or by a person authorised by . . . F<sup>3</sup> them, be evidence of the matters stated in the document.
- (5) A record made in any service book or other document prescribed by Queen's Regulations for the purposes of this subsection, being a record made in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of air-force duty, and purporting to be signed by the commanding officer or by any person whose duty it was to make the record, shall be evidence of the facts stated therein; and a copy of a record (including the signature thereto) in [F<sup>4</sup>any such book or other document as aforesaid], purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book [F<sup>5</sup>or other document], shall be evidence of the record.
- (6) A document purporting to be issued by order of [F<sup>2</sup>the Defence Council] and to contain instructions or regulations given or made by [F<sup>2</sup>the Defence Council] shall be evidence of the giving of the instructions or making of the regulations and of their contents.
- (7) A certificate purporting to be issued by or on behalf of [F<sup>2</sup>the Defence Council], . . . F<sup>3</sup> or by a person authorised by . . . F<sup>3</sup> them, and stating—
- (a) that a decoration of a description specified in or annexed to the certificate is an air-force, naval or military decoration, or
- (b) that a badge, wound stripe or emblem of a description specified in or annexed to the certificate is one supplied or authorised by [F<sup>2</sup>the Defence Council],
- shall be evidence of the matters stated in the certificate.
- (8) A certificate purporting to be signed by a person's commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or of any part of, standing orders or other routine orders of a continuing nature made for—
- (a) any formation or unit or [F<sup>6</sup>body of Her Majesty's forces], or
- (b) any command or other area, garrison or place, or
- (c) any ship, train or aircraft,
- shall in proceedings against the said person be evidence of the matters stated in the certificate.
- (9) Any document which would be evidence in any proceedings under the <sup>M<sup>1</sup></sup>Army Act 1955, by virtue of section one hundred and ninety-eight of that Act [F<sup>7</sup>, or in any proceedings under the <sup>M<sup>2</sup></sup>Naval Discipline Act 1957, by virtue of section 64C of that Act.] shall in like manner, subject to the like conditions, and for the like purpose be evidence in the like proceedings under this Act.

#### Textual Amendments

- F1** Words repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. III](#)
- F2** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)
- F3** Words repealed by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)
- F4** Words substituted by [Army and Air Force Act 1961 \(c. 52\)](#), [Sch. 2](#)
- F5** Words inserted by [Army and Air Force Act 1961 \(c. 52\)](#), [Sch. 2](#)
- F6** Words substituted by [Armed Forces Act 1971 \(c. 33\)](#), s. 78(4), [Sch. 1 para. 1\(8\)](#)

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**F7** Words in s. 198(9) inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 80**; S.I. 1997/304, **art. 2** (with **art. 3, Sch. 2**)

**Marginal Citations**

**M1** 1955. c. 18.

**M2** 1957 c. 53.

**198A,** ..... **F8**  
**198B**

**Textual Amendments**

**F8** Ss. 198A, 198B repealed by **Police and Criminal Evidence Act 1984 (c. 60, SIF 95)**, s. 119(2), **Sch. 7 Pt. III**

**[<sup>F9</sup>[  
<sup>F9</sup>198C]]** **Provision as to age.**

Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a court-martial, his age at the material time shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been his age at that time.

**Textual Amendments**

**F9** S. 198C: s. 198A inserted by **Armed Forces Act 1976 (c. 52), Sch. 9 para. 4**; renumbered as s. 198C by **Armed Forces Act 1981 (c. 55), s.9(2)**

**199 Proof of outcome of civil trial.**

- (1) Where a person subject to air-force law has been tried before a civil court (whether at the time of the trial he was subject to air-force law or not), a certificate signed by the [<sup>F10</sup>proper officer] of the court and stating all or any of the following matters,—
  - (a) that the said person has been tried before the court for an offence specified in the certificate,
  - (b) the result of the trial,
  - (c) what judgment or order was given or made by the court,
  - (d) that other offences specified in the certificate were taken into consideration at the trial,shall for the purposes of this Act be evidence of the matters stated in the certificate.
- (2) The [<sup>F10</sup>proper officer] of the court shall, if required by the commanding officer of the person in question or any other officer, furnish a certificate under this section and shall be paid such fee as may be prescribed by regulations made by a Secretary of State.
- (3) A document purporting to be a certificate under this section and to be signed by the [<sup>F10</sup>proper officer] of the court shall, unless the contrary is shown, be deemed to be such a certificate.

**[<sup>F11</sup>(4)** In this section “proper officer” means—

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- (a) in relation to a court of summary jurisdiction in England and Wales, the [<sup>F12</sup>designated officer] for the court; and
- (b) in relation to any other court, the clerk of the court, his deputy or any other person having the custody of the records of the court.]

**Textual Amendments**

- F10** Words in s. 199(1)(2)(3) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 para. 19, **21(2)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F11** S. 199(4) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 para. 19, **21(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F12** Words in s. 199(4)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 96(b)**; S.I. 2005/910, art. 3(y)

**200 Evidence of proceedings of courts martial.**

- (1) The original proceedings of a court-martial purporting to be signed by the president of the court and being in the custody of the Judge Advocate General or of any person having the lawful custody thereof shall be admissible in evidence on production from that custody.
- (2) A document purporting to be a copy of the original proceedings of a court-martial or any part thereof and to be certified by the Judge Advocate General or any person authorised by him, or by any other person having the lawful custody of the proceedings, to be a true copy shall be evidence of the contents of the proceedings or the part to which the document relates, as the case may be
- (3) This section applies to evidence given in any court, whether civil or criminal and whether in the United Kingdom or in any colony.

<sup>F13</sup>**200A**.....

**Textual Amendments**

- F13** S. 200A repealed (11.5.2001) by 2001 c. 19, ss. 38, 39(3)(g), **Sch. 7 Pt. 5**

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