



Tokyo Convention Act 1967

1967 CHAPTER 52

5 Provisions as to evidence in connection with aircraft

- (1) Where in any proceedings before a court in the United Kingdom for an offence committed on board an aircraft the testimony of any person is required and the court is satisfied that the person in question cannot be found in the United Kingdom, there shall be admissible in evidence before that court any deposition relating to the subject matter of those proceedings previously made on oath by that person outside the United Kingdom which was so made—
 - (a) in the presence of the person charged with the offence ; and
 - (b) before a judge or magistrate of a country such as is mentioned in section 1(3) of the British Nationality Act 1948 as for the time being in force, or which is part of Her Majesty's dominions, or in which Her Majesty for the time being has jurisdiction, or before a consular officer of Her Majesty's Government in the United Kingdom.
- (2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made who shall certify that the person charged with the offence was present at the taking of the deposition.
- (3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate, and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.
- (4) If a complaint is made to such a consular officer as aforesaid that any offence has been committed on a British-controlled aircraft while in flight elsewhere than in or over the United Kingdom, that officer may inquire into the case upon oath.
- (5) In this section—
 - (a) the expression " deposition" includes any affidavit, affirmation or statement made upon oath ; and
 - (b) the expression " oath" includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing ;

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and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.