



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART IV

#### AIRCRAFT

*Evidence, etc.*

#### **95 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 Schedule 3 to the <sup>M1</sup>British Nationality Act 1981 as for the time being in force or which was part of Her Majesty's dominions at the time the deposition was made or in which Her Majesty had jurisdiction at that time, 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 <sup>F1</sup>—

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- (a) any offence has been committed on a British-controlled aircraft while in flight elsewhere than in or over the United Kingdom, or
- (b) there has taken place on board a foreign aircraft an act or omission which constitutes an offence by virtue of section 92(1) above,]

that officer may inquire into the case upon oath.

(5) In this section—

“deposition” includes any affidavit, affirmation or statement made upon oath; and

“oath” includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and subsections (4) and (5) of section 92 above shall apply for the purposes of this section as they apply for the purposes of that section.

(6) Nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

#### Textual Amendments

**F1** Words in s. 95(4) substituted and s. 95(4)(a)(b) and the preceding dash inserted (18.7.1996) by 1996 c. 39, s. 2(2)

#### Marginal Citations

**M1** 1981 c. 61.

## 96 Use of records and documentary evidence.

(1) In any legal proceedings—

(a) a document purporting to be certified by such authority or person as may be designated for the purpose by regulations made by the Secretary of State as being, or being a true copy of, or of part of, a document issued or record kept in pursuance of—

(i) an Air Navigation Order, or

(ii) the <sup>M2</sup>Civil Aviation (Licensing) Act 1960,

by, or by the Minister in charge of, a government department, by an official of a government department specified for the purpose in an Air Navigation Order or by the Air Registration Board or the Air Transport Licensing Board, or

(b) a document printed by either Her Majesty’s Stationery Office or the CAA and purporting to be the publication known as the “United Kingdom Air Pilot” or a publication of the series known as “Notam—United Kingdom”,

shall be evidence, and in Scotland sufficient evidence, of the matters appearing from the document.

(2) In any legal proceedings any record made by any such authority or person as may be designated for the purposes of this subsection by regulations made by the Secretary of State, or by a person acting under the control of such an authority or person, being a record purporting to show—

(a) the position of an aircraft at any material time, or

(b) the terms or content of any message or signal transmitted to any aircraft, either alone or in common with other aircraft, or received from any aircraft, by the

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- first-mentioned authority or person, or by a person acting under the control of that authority or person,  
shall, if produced from the custody of that authority or person, be evidence, and in Scotland sufficient evidence, of the matters appearing from the record.
- (3) The references in subsection (2) above to a record made by or under the control of any authority or person include references to a document or article purporting to be a copy of a record so made, and certified to be a true copy by or on behalf of that authority or person; and in relation to such a copy that subsection shall have effect as if the words “if produced from the custody of that authority or person” were omitted.
- (4) Any person who wilfully certifies any document or article to be a true copy of any such record as is mentioned in subsection (2) above knowing it not to be a true copy shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both; and
  - (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.
- (5) In this section “record” has the same meaning as in section 73 above.

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**Marginal Citations**

**M2** 1960 c. 38.

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