



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 ^{M1}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 ^{F1}—

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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)*

Modifications etc. (not altering text)

C1 *S. 95*: power to apply conferred (with modifications) (26.11.2018) by *Space Industry Act 2018 (c. 5)*, **ss. 52(2)(b)**, 70(1); *S.I. 2018/1224, reg. 2(ss)*

Marginal Citations

M1 1981 c. 61.

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