



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART VIII

#### EVIDENCE IN CRIMINAL PROCEEDINGS—GENERAL

##### *Convictions and acquittals*

#### **73 Proof of convictions and acquittals.**

- (1) Where in any proceedings the fact that a person has in the United Kingdom [<sup>F1</sup>or any other member State] been convicted or acquitted of an offence otherwise than by a Service court is admissible in evidence, it may be proved by producing a certificate of conviction or, as the case may be, of acquittal relating to that offence, and proving that the person named in the certificate as having been convicted or acquitted of the offence is the person whose conviction or acquittal of the offence is to be proved.
- (2) For the purposes of this section a certificate of conviction or of acquittal—
  - (a) shall, as regards a conviction or acquittal on indictment, consist of a certificate, signed by the [<sup>F2</sup>proper officer] of the court where the conviction or acquittal took place, giving the substance and effect (omitting the formal parts) of the indictment and of the conviction or acquittal; and
  - (b) shall, as regards a conviction or acquittal on a summary trial, consist of a copy of the conviction or of the dismissal of the information, signed by the [<sup>F2</sup>proper officer] of the court where the conviction or acquittal took place or by the [<sup>F2</sup>proper officer] of the court, if any, to which a memorandum of the conviction or acquittal was sent<sup>[F3]</sup>; and
  - (c) shall, as regards a conviction or acquittal by a court in a member State (other than the United Kingdom), consist of a certificate, signed by the proper officer of the court where the conviction or acquittal took place, giving details of the offence, of the conviction or acquittal, and of any sentence;]

and a document purporting to be a duly signed certificate of conviction or acquittal under this section shall be taken to be such a certificate unless the contrary is proved.

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- [<sup>F4</sup>(3) In subsection (2) above “proper officer” means—
- (a) in relation to a magistrates’ court in England and Wales, the [<sup>F5</sup>designated officer] for the court; and
  - (b) in relation to any other court [<sup>F6</sup>in the United Kingdom], the clerk of the court, his deputy or any other person having custody of the court record [<sup>F7</sup>, and
  - (c) in relation to any court in another member State (“the EU court”), a person who would be the proper officer of the EU court if that court were in the United Kingdom.]]
- (4) The method of proving a conviction or acquittal authorised by this section shall be in addition to and not to the exclusion of any other authorised manner of proving a conviction or acquittal.

#### Extent Information

**E1** S. 73 extends to England and Wales only with exceptions as regards courts martial, see s. 120(1)(6)-(8)

#### Textual Amendments

- F1** Words in s. 73(1) inserted (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 13(2)** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**
- F2** Words in s. 73(2)(a)(b) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 128(1)(2)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2**
- F3** S. 73(2)(c) and preceding word inserted (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 13(3)** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**
- F4** S. 73(3) substituted (1.4.2001) by 1999 c. 22, ss. 90, **Sch. 13 para. 128(1)(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2**
- F5** Words in s. 73(3)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 285; S.I. 2005/910, **art. 3(y)**
- F6** Words in s. 73(3)(b) inserted (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 13(4)(a)** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**
- F7** S. 73(3)(c) and preceding word added (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 13(4)(b)** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**

## 74 Conviction as evidence of commission of offence.

- (1) In any proceedings the fact that a person other than the accused has been convicted of an offence by or before any court in the United Kingdom [<sup>F8</sup>or any other member State] or by a Service court outside the United Kingdom shall be admissible in evidence for the purpose of proving, [<sup>F9</sup>that that person committed that offence, where evidence of his having done so is admissible] , whether or not any other evidence of his having committed that offence is given.
- (2) In any proceedings in which by virtue of this section a person other than the accused is proved to have been convicted of an offence by or before any court in the United Kingdom [<sup>F10</sup>or any other member State] or by a Service court outside the United Kingdom, he shall be taken to have committed that offence unless the contrary is proved.
- (3) In any proceedings where evidence is admissible of the fact that the accused has committed an offence, <sup>F11</sup>. . . , if the accused is proved to have been convicted of the offence—

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- (a) by or before any court in the United Kingdom [<sup>F12</sup>or any other member State];  
or
  - (b) by a Service court outside the United Kingdom,
- he shall be taken to have committed that offence unless the contrary is proved.
- (4) Nothing in this section shall prejudice—
- (a) the admissibility in evidence of any conviction which would be admissible apart from this section; or
  - (b) the operation of any enactment whereby a conviction or a finding of fact in any proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

#### Textual Amendments

- F8** Words in s. 74(1) inserted (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 14(2)** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**
- F9** Words in s. 74(1) substituted (15.12.2004) by Criminal Justice Act 2003 (c. 44), 331, 336, {Sch. 36 para. 85(2)}; S.I. 2004/3033, **art. 3(1)(2)(d)**
- F10** Words in s. 74(2) inserted (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 14(3)** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**
- F11** Words in s. 74(3) repealed (15.12.2004) by Criminal Justice Act 2003 (c. 44), ss. 331, 332, 336, Sch. 36 para. 85(3), **Sch. 37 Pt. 5**; S.I. 2004/3033, **art. 3(1)(2)(d)(e)(i)**
- F12** Words in s. 74(3)(a) inserted (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 14(4)** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**

#### Modifications etc. (not altering text)

- C1** S. 74 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. III para. 18(b)**  
S. 74 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. III para. 18(b)**  
S. 74 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. III para. 18(b)**

## 75 Provisions supplementary to section 74.

- (1) Where evidence that a person has been convicted of an offence is admissible by virtue of section 74 above, then without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the conviction was based—
- (a) the contents of any document which is admissible as evidence of the conviction; and
  - [<sup>F13</sup>(b) the contents of—
    - (i) the information, complaint, indictment or charge-sheet on which the person in question was convicted, or
    - (ii) in the case of a conviction of an offence by a court in a member State (other than the United Kingdom), any document produced in relation to the proceedings for that offence which fulfils a purpose similar to any document or documents specified in sub-paragraph (i),]
- shall be admissible in evidence for that purpose.
- (2) Where in any proceedings the contents of any document are admissible in evidence by virtue of subsection (1) above, a copy of that document, or of the material part of it, 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.

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(3) Nothing in any of the following—

- (a) [<sup>F14</sup>Section 14 of the Powers of Criminal Courts (Sentencing ) Act 2000](under which a conviction leading to probation or discharge is to be disregarded except as mentioned in that section);
- [<sup>F15</sup>(aa) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);]
- (b) [<sup>F16</sup>section 247 of the Criminal Procedure (Scotland) Act 1995] (which makes similar provision in respect of convictions on indictment in Scotland); and
- (c) section 8 of the Probation Act (Northern Ireland) 1950 (which corresponds to section 13 of the Powers of Criminal Courts Act 1973) or any legislation which is in force in Northern Ireland for the time being and corresponds to that section,

shall affect the operation of section 74 above; and for the purposes of that section any order made by a court of summary jurisdiction in Scotland under section 182 or section 183 of the said Act of 1975 shall be treated as a conviction.

(4) Nothing in section 74 above shall be construed as rendering admissible in any proceedings evidence of any conviction other than a subsisting one.

#### **Extent Information**

**E2** S. 75 extends to England and Wales only with exceptions as regards courts martial, see s. 120(1)(6)-(8)

#### **Textual Amendments**

**F13** S. 75(1)(b) substituted (15.8.2010) by Coroners and Justice Act 2009 (c. 25), ss. 144, 182, **Sch. 17 para. 15** (with s. 180, Sch. 22); S.I. 2010/1858, **art. 3(a)(d)(vii)**

**F14** Words in s. 75(3)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 98**

**F15** S. 75(3)(aa) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 103**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

**F16** Words in s. 75(3)(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 55(a)**

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