



Merchant Shipping Act 1995

1995 CHAPTER 21

PART XII

LEGAL PROCEEDINGS

Special evidential provisions

288 Admissibility of documents in evidence.

- (1) Where a document is by this Act declared to be admissible in evidence the document shall, on its production from proper custody—
 - (a) be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence; and
 - (b) subject to all just exceptions, be evidence (or in Scotland sufficient evidence) of the matters stated in the document.
- (2) A copy of, or extract from, any document so made admissible in evidence shall, subject to subsection (3) below, also be admissible in evidence and evidence (and in Scotland sufficient evidence) of the matters stated in the document.
- (3) A copy of, or extract from, a document shall not be admissible by virtue of subsection (2) above unless—
 - (a) it is proved to be an examined copy or extract; or
 - (b) it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted;and that officer shall furnish the certified copy or extract to any person who applies for it at a reasonable time and pays such reasonable price as the Secretary of State determines.
- (4) A person shall, on payment of such reasonable price as the Secretary of State determines, be entitled to have a certified copy of any declaration or document a copy of which is made evidence by this Act.

Status: Point in time view as at 23/03/1997.

Changes to legislation: Merchant Shipping Act 1995, Section 288 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) If any officer having duties of certification under subsection (3) above in relation to any document intentionally certifies any document as being a true copy or extract knowing that the copy or extract is not a true copy or extract he shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) Subject to subsection (7) below, in Scotland, if any person forges the seal, stamp or signature of any document (or copy document) declared by this Act to be admissible in evidence or tenders in evidence any such document (or copy document) with, and knowing it to have, a false or counterfeit seal, stamp or signature he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding seven years or to both.
- (7) Subsection (6) above does not apply in respect of actings which constitute an offence under section 300(8).
- (8) Without prejudice to section 6(1) of the ^{M1}Civil Evidence (Scotland) Act 1988 (production of copy documents) subsections (2) and (3) above shall not apply, for the purposes of civil proceedings in Scotland, as respects the admissibility of a copy document; but subsection (5) above shall apply to a person purporting to authenticate any such document and to authentication as it applies to an officer purporting to certify any such document and to certification.

Marginal Citations

M1 1988 c. 32.

Status:

Point in time view as at 23/03/1997.

Changes to legislation:

Merchant Shipping Act 1995, Section 288 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.