

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act 1995, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 15(1).

CONSEQUENTIAL AMENDMENTS

Extent Information

E1 The provisions of Schedule 1 are co-extensive with the enactments they amend, see s. 16(6)

Army Act 1955 (c.18)

1 For section 62 of the Army Act 1955 (making of false documents) substitute—

“62 Making of false documents.

- (1) A person subject to military law who—
 - (a) makes an official document which is to his knowledge false in a material particular, or
 - (b) makes in any official document an entry which is to his knowledge false in a material particular, or
 - (c) tampers with the whole or any part of an official document (whether by altering it, destroying it, suppressing it, removing it or otherwise), or
 - (d) with intent to deceive, fails to make an entry in an official document, is liable on conviction by court-martial to imprisonment for a term not exceeding two years or any less punishment provided by this Act.
- (2) For the purposes of this section—
 - (a) a document is official if it is or is likely to be made use of, in connection with the performance of his functions as such, by a person who holds office under, or is in the service of, the Crown; and
 - (b) a person who has signed or otherwise adopted as his own a document made by another shall be treated, as well as that other, as the maker of the document.
- (3) In this section “document” means anything in which information of any description is recorded.”.

Air Force Act 1955 (c.19)

2 For section 62 of the Air Force Act 1955 (making of false documents) substitute—

“62 Making of false documents.

- (1) A person subject to air-force law who—

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- (a) makes an official document which is to his knowledge false in a material particular, or
 - (b) makes in any official document an entry which is to his knowledge false in a material particular, or
 - (c) tampers with the whole or any part of an official document (whether by altering it, destroying it, suppressing it, removing it or otherwise), or
 - (d) with intent to deceive, fails to make an entry in an official document, is liable on conviction by court-martial to imprisonment for a term not exceeding two years or any less punishment provided by this Act.
- (2) For the purposes of this section—
- (a) a document is official if it is or is likely to be made use of, in connection with the performance of his functions as such, by a person who holds office under, or is in the service of, the Crown; and
 - (b) a person who has signed or otherwise adopted as his own a document made by another shall be treated, as well as that other, as the maker of the document.
- (3) In this section “document” means anything in which information of any description is recorded.”.

Naval Discipline Act 1957 (c.53)

- 3 For section 35 of the Naval Discipline Act 1957 (making of false documents) substitute—

“35 Falsification of documents.

- (1) A person subject to this Act who—
- (a) makes an official document which is to his knowledge false in a material particular, or
 - (b) makes in any official document an entry which is to his knowledge false in a material particular, or
 - (c) tampers with the whole or any part of an official document (whether by altering it, destroying it, suppressing it, removing it or otherwise), or
 - (d) with intent to deceive, fails to make an entry in an official document, is liable to imprisonment for a term not exceeding two years or any less punishment authorised by this Act.
- (2) For the purposes of this section—
- (a) a document is official if it is or is likely to be made use of, in connection with the performance of his functions as such, by a person who holds office under, or is in the service of, the Crown; and
 - (b) a person who has signed or otherwise adopted as his own a document made by another shall be treated, as well as that other, as the maker of the document.
- (3) In this section “document” means anything in which information of any description is recorded.”.

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Gaming Act 1968 (c.65)

4 F1

Textual Amendments

F1 Sch. 1 para. 4 repealed (1.9.2007) by Gambling Act 2005 (c. 19), ss. 356(4), 358(1), Sch. 17; S.I. 2006/3272, art. 2(4) (with Sch. 4 (as amended (29.4.2007) by S.I. 2007/1157, arts. 7-12 and as amended (16.8.2007) by S.I. 2007/2169, arts. 7-11))

Vehicle and Driving Licences Act 1969 (c.27)

5 (1) Section 27 of the Vehicle and Driving Licences Act 1969 (admissibility of records as evidence) is amended as follows.

(2) For subsection (2) substitute—

“(2) In subsection (1) of this section—

“document” means anything in which information of any description is recorded;

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and

“statement” means any representation of fact, however made.”.

(3) In subsection (4)(b), for the words from “for the references” to the end substitute “for the definitions of ” “ document”, “copy” and “statement” there were substituted “document” and “statement” have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act, but nothing in this paragraph shall be construed as limiting to civil proceedings the references to proceedings in subsection (1)’. ”.

Taxes Management Act 1970 (c.9)

6 F2

Textual Amendments

F2 Sch. 1 para. 6 omitted (1.4.2009) by virtue of the Finance Act 2008 (c. 9), s. 113, Sch. 36 para. 92(d); S.I. 2009/404, art. 2

Civil Evidence Act 1972 (c.30)

7 (1) Section 5 of the Civil Evidence Act 1972 (interpretation and application of Act) is amended as follows.

(2) For subsection (1) (meaning of “civil proceedings” and “court”) substitute—

“(1) In this Act “civil proceedings” means civil proceedings, before any tribunal, in relation to which the strict rules of evidence apply, whether as a matter

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of law or by agreement of the parties; and references to “the court” shall be construed accordingly.”.

- (3) For subsection (2) (application of High Court or county court rules to certain other civil proceedings) substitute—

“(2) The rules of court made for the purposes of the application of sections 2 and 4 of this Act to proceedings in the High Court apply, except in so far as their application is excluded by agreement, to proceedings before tribunals other than the ordinary courts of law, subject to such modifications as may be appropriate.

Any question arising as to what modifications are appropriate shall be determined, in default of agreement, by the tribunal.”.

International Carriage of Perishable Foodstuffs Act 1976 (c.58)

- 8 In section 15 of the International Carriage of Perishable Foodstuffs Act 1976 (admissibility of records as evidence), for subsection (2) substitute—

“(2) In this section as it has effect in England and Wales—

“document” means anything in which information of any description is recorded;

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and

“statement” means any representation of fact, however made.

(2A) In this section as it has effect in Scotland, “document” and “statement” have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act.

(2B) In this section as it has effect in Northern Ireland, “document” and “statement” have the same meanings as in section 6(1) of the Civil Evidence Act (Northern Ireland) 1971, and the reference to a copy of a document shall be construed in accordance with section 6(2) of that Act.

(2C) Nothing in subsection (2A) or (2B) above shall be construed as limiting to civil proceedings the references to proceedings in subsection (1) above.”.

Police and Criminal Evidence Act 1984 (c.60)

- 9 (1) The Police and Criminal Evidence Act 1984 is amended as follows.

- (2) In section 72(1) (interpretation of provisions relating to documentary evidence), for the definition of “copy” and “statement” substitute—

““copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly, and “statement” means any representation of fact, however made; and”.

- (3) In section 118(1) (general interpretation), in the definition of “document”, for “has the same meaning as in Part I of the Civil Evidence Act 1968” substitute “ means anything in which information of any description is recorded. ”.

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Companies Act 1985 (c.6)

^{F3}10

Textual Amendments

F3 Sch. 1 para. 10 repealed (14.4.2000) by 1999 c. 23, s. 67(3), **Sch. 6** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1034, art. 2(c), **Sch.**

Finance Act 1985 (c.54)

11 (1) Section 10 of the Finance Act 1985 (production of computer records, &c.) is amended as follows.

(2) ^{F4}

(3) ^{F4}

(4) ^{F4}

(5) Omit subsection (7) (adaptation of references to Civil Evidence Act 1968).

Textual Amendments

F4 Sch. 1 para. 11(2)-(4) omitted (21.7.2008) by virtue of the Finance Act 2008 (c. 9), s. 114(8)(c)

Criminal Justice Act 1988 (c.33)

12 ^{F5}

Textual Amendments

F5 Sch. 1 para. 12 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336(3), **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2**, Sch. 1 para 44(3) (subject to Sch. 2 (as amended (29.7.2005) by S.I. 2005/2122, art. 2 and as amended (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 149, 153, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, art. 2(1), Sch. 1 paras. 48(s), 50(2)(d) and as amended (30.11.2009) by S.I. 2009/3111 art. 2(d)-(f))

Finance Act 1988 (c.39)

13 (1) Section 127 of the Finance Act 1988 (production of computer records, &c.) is amended as follows.

(2) ^{F6}

(3) ^{F6}

(4) Omit subsection (5) (adaptation of references to Civil Evidence Act 1968).

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Textual Amendments

F6 Sch. 1 para 13(2)(3) omitted (21.7.2008) by virtue of the Finance Act 2008 (c. 9), s. 113, s. 114(8)(c)

Housing Act 1988 (c.50)

- 14 In section 97 of the Housing Act 1988 (information, &c. for applicant), for subsection (4) substitute—

“(4) In this section “document” means anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form any reference to sight of the document is to sight of the information in legible form.”.

Road Traffic Offenders Act 1988 (c.53)

- 15 In section 13 of the Road Traffic Offenders Act 1988 (admissibility of records as evidence), for subsection (3) substitute—

“(3) In the preceding subsections, except in Scotland—

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“document” means anything in which information of any description is recorded; and

“statement” means any representation of fact, however made.

(3A) In Scotland, in the preceding subsections “document” and “statement” have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (2) above.”.

Children Act 1989 (c.41)

- 16 In section 96(7) of the Children Act 1989 (evidence given by, or with respect to, children: interpretation), for the definition of “civil proceedings” and “court” substitute—

““civil proceedings” means civil proceedings, before any tribunal, in relation to which the strict rules of evidence apply, whether as a matter of law or by agreement of the parties, and references to “the court” shall be construed accordingly;”.

Leasehold Reform, Housing and Urban Development Act 1993 (c.28)

- 17 In section 11(9) of the Leasehold Reform, Housing and Urban Development Act 1993 (right of qualifying tenant to certain information: interpretation), for the definition of “document” substitute—

““document” means anything in which information of any description is recorded, and in relation to a document in which information is recorded

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otherwise than in legible form any reference to sight of the document is to sight of the information in legible form;”.

Finance Act 1993 (c.34)

- 18 In Schedule 21 to the Finance Act 1993 (oil taxation: supplementary provisions as to information), in paragraph 14(1) (meaning of “document”), for the words from “has the same meaning” to the end substitute “means anything in which information of any description is recorded”.

Vehicle Excise and Registration Act 1994 (c.22)

- 19 In section 52 of the Vehicle Excise and Registration Act 1994 (admissibility of records as evidence), for subsections (3) to (5) substitute—

- “(3) In this section as it has effect in England and Wales—
“document” means anything in which information of any description is recorded;
“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and
“statement” means any representation of fact, however made.
- (4) In this section as it has effect in Scotland, “document” and “statement” have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act.
- (5) In this section as it has effect in Northern Ireland, “document” and “statement” have the same meanings as in section 6(1) of the Civil Evidence Act (Northern Ireland) 1971, and the reference to a copy of a document shall be construed in accordance with section 6(2) of that Act.
- (6) Nothing in subsection (4) or (5) limits to civil proceedings the references to proceedings in subsection (1).”.

Value Added Tax Act 1994 (c.23)

- 20 In section 96(1) of the Value Added Tax Act 1994 (general interpretative provisions), at the appropriate places insert—

“document” means anything in which information of any description is recorded; and
“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly.

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