



Naval Discipline Act 1957 (repealed)

1957 CHAPTER 53 5 and 6 Eliz 2

PART II

TRIAL AND PUNISHMENT OF OFFENCES

Proceedings of courts-martial

^{FIX1}64C Proof of service facts and records.

- (1) This section applies with respect to proceedings before a court-martial.
- (2) A letter, return or other document stating that any person—
 - (a) was or was not serving at any specified time or during any specified period in any part of Her Majesty's forces;
 - (b) was discharged from any part of those forces at or before any specified time;
 - (c) held or did not hold at any specified time any specified rank or appointment in any of those forces;
 - (d) had at or before any specified time been attached, posted or transferred to any part of those forces;
 - (e) at any specified time or during any specified time was or was not serving or held or did not hold any rank or appointment in any particular country or place; or
 - (f) was or was not at any specified time authorised to use or wear any decoration, badge or emblem;shall if purporting to be issued by or on behalf of the Defence Council or by a person authorised by them, be evidence of the matter stated in the document.
- (3) A record—
 - (a) made in any service record in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of naval duty; and
 - (b) purporting to be signed by the commanding officer or by any person whose duty it was to make or keep the records,

Status: Point in time view as at 01/04/1997. This version of this provision has been superseded.

Changes to legislation: Naval Discipline Act 1957 (repealed), Section 64C is up to date with all changes known to be in force on or before 11 June 2024.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)

may be received without formal proof in all trials under this Act as prima facie evidence of the record.

- (4) A copy of a record (including the signature thereto) such as is mentioned in subsection (3) above, purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the record, may be received without formal proof in all trials under this Act as prima facie evidence of the record.
- (5) A document purporting to be issued by order of the Defence Council and to contain instructions given or regulations made by the Defence Council shall be evidence of the giving of the instructions or making of the regulations and of their contents.
- (6) A certificate purporting to be issued by or on behalf of the Defence Council or by a person authorised by them, and stating—
- (a) that a decoration of a description specified in, or as annexed to, the certificate is a military, naval or air force decoration; or
 - (b) that a badge or emblem of a description specified in, or as annexed to, the certificate is one supplied or authorised by the Defence Council;
- shall be evidence of the matters stated in the certificate.
- (7) A certificate purporting to be signed by a person's commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or of any part of, standing orders or other routine orders of a continuing nature made for—
- (a) any ship, train or aircraft;
 - (b) any formation or unit or body of Her Majesty's forces; or
 - (c) any command or other area, or place;
- shall in proceedings against that person be evidence of the matters stated in the certificate.
- (8) Any document which would be evidence in any proceedings under the ^{M1}Army Act 1955 or the ^{M2}Air Force Act 1955 shall in like manner, subject to the like conditions, and for the like purposes, be evidence in a court-martial under this Act.

Editorial Information

- X1** The insertion of the new crossheading "Findings of unfitness to stand trial and insanity" into Pt. II on 31.3.2005 gives rise to a change in the structure of this piece of legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new crossheading.

Textual Amendments

- F1** Ss. 64A-64D inserted (1.4.1997 with savings) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 63**; S.I. 1997/304, **art. 2** (with art. 3)

Modifications etc. (not altering text)

- C1** S. 64C applied (with modifications) by S.I. 2000/2370, **rule 27(c)**

Marginal Citations

- M1** 1955 c. 18.
M2 1955 c. 19.

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Textual Amendments applied to the whole legislation

- F1** Act repealed (prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#) and the repeal being partly in force, as to which see individual provisions

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