



Fair Trading Act 1973

1973 CHAPTER 41

PART III

ADDITIONAL FUNCTIONS OF DIRECTOR FOR PROTECTION OF CONSUMERS

36 Evidence in proceedings under s.35

- (1) For the purposes of section 11 of the Civil Evidence Act 1968, section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 or section 7 of the Civil Evidence Act (Northern Ireland) 1971 (each of which relates to convictions as evidence in civil proceedings), proceedings under section 35 of this Act shall (without prejudice to the generality of the relevant definition) be taken to be civil proceedings within the meaning of the Act in question.
- (2) Where in any proceedings under section 35 of this Act the Director alleges such a breach of contract or breach of duty as is mentioned in section 34(3) of this Act, a judgment of any court given in civil proceedings, which includes a finding that the breach of contract or breach of duty in question was committed,—
 - (a) shall be admissible in evidence for the purpose of proving the breach of contract or breach of duty, and
 - (b) shall, unless the contrary is proved, be taken to be sufficient evidence that the breach of contract or breach of duty was committed.
- (3) For the purposes of subsection (2) of this section no account shall be taken of a judgment given in any civil proceedings if it has subsequently been reversed on appeal, or has been varied on appeal so as to negative the finding referred to in that subsection.
- (4) In subsection (1) of this section " the relevant definition " means section 18(1) of the Civil Evidence Act 1968, section 17(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 or section 14(1) of the Civil Evidence Act (Northern Ireland) 1971, as the case may be.