

Changes to legislation: Reserve Forces Act 1980, SCHEDULE 6 is up to date with all changes known to be in force on or before 28 May 2023. 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) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 6

Textual Amendments

F1 Sch. 6 repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, **art. 2**

General provisions as to evidence

- 1 (1) The following provisions of this paragraph shall have effect with respect to evidence in proceedings under Part IV or Part V of this Act, whether before a court-martial, a civil court or otherwise.
- (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 or was discharged from any part of those forces at or before any specified time, or
 - (b) held or did not hold at any specified time any specified rank or appointment in any of those forces, or had at or before any specified time been attached, posted or transferred to any part of those forces, or at any specified time or during any specified period was or was not serving or held or did not hold any rank or appointment in any particular country or place, or
 - (c) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe 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 matters stated in the document.
- (3) A record made in any service book or other document prescribed by Queen's Regulations for the purposes of this sub-paragraph, being a record made in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of military or air-force duty, as the case may be, and purporting to be signed by the commanding officer or by any person whose duty it was to make the record, shall be evidence of the facts stated therein.
- (4) A copy of a record (including the signature thereto) in any such book or other document as aforesaid, purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book or other document, shall be evidence of the record.
- (5) A document purporting to be issued by order of the Defence Council and to contain instructions or regulations given or 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—

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- (a) that a decoration of a description specified in or annexed to the certificate is a military, naval or air force decoration, or
 - (b) that a badge, wound stripe or emblem of a description specified in or 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 formation or unit or body of troops, or
 - (b) any formation or unit or body of the air force, or
 - (c) any command or other area, garrison or place, or
 - (d) any ship, train or aircraft,
- shall in proceedings against the said person be evidence of the matters stated in the certificate. ^{F2}
- (7A)
- (8) Where, in relation to one of the [^{F3}Regular Reserve] , the Air Force Reserve, the [^{F4}Army Reserve] or the Royal Auxiliary Air Force, any document would be evidence in any proceedings under Part IV or Part V of this Act by virtue of this paragraph, or paragraph 5 of Schedule 3 to this Act, that document shall—
- (a) in like manner,
 - (b) subject to the same conditions, and
 - (c) for the like purpose,
- be evidence in the like proceedings in relation to any other of the [^{F3}Regular Reserve] , Air Force Reserve, [^{F4}Army Reserve] or the Royal Auxiliary Air Force.

Textual Amendments

F2 Sch. 6 para. 1(7A) (which was inserted by Reserve Forces Act 1982 (c. 14, SIF 7:2), s. 2(4)(5)) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1) s. 26(1)(2), Sch. 2, para. 11(4), Sch.3; S.I. 1991/2719, art.2, Sch.

F3 Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(a)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)

F4 Words in Act substituted (1.10.2014) by Defence Reform Act 2014 (c. 20), s. 44(3)(b)(4)50(1) (with s. 49(3)(5)); S.I. 2014/2370, art. 4(a)

Proof of outcome of civil trial

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- 2 (1) Where a person subject to military law or to air-force law has been tried before a civil court (whether at the time of the trial he was or was not subject to military law or air-force law, as the case may be), a certificate signed by the clerk of the court and stating all or any of the following matters—
- (a) that the said person has been tried before the court for an offence specified in the certificate,
 - (b) the result of the trial,

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- (c) what judgment or order was given or made by the court,
- (d) that other offences specified in the certificate were taken into consideration at the trial,

shall for the purposes of Part IV or Part V of this Act be evidence of the matters stated in the certificate.

- (2) The clerk of the court shall, if required by the commanding officer of the person in question or any other officer, furnish a certificate under this paragraph and shall be paid such fee as may be prescribed by regulations made by the Secretary of State under section 199 of the Army Act 1955 or section 199 of the Air Force Act 1955, as the case may be.
- (3) A document purporting to be a certificate under this paragraph and to be signed by the clerk of the court shall, unless the contrary is shown, be deemed to be such a certificate.
- (4) References in this paragraph to the clerk of the court include references to his deputy and to any other person having the custody of the records of the court.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded (prosp.) by [1996 c. 14 s. 129\(2\)](#)
- Act modified (prosp.) by [1996 c. 14 s. 128Sch. 8 para. 4\(5\)](#)
- Act repealed (except s.048, 55, 130-138,140,151,156,157, 158) (prosp.) by [1996 c. 14 s. 131\(2\)Sch. 11](#)