

SCHEDULES

SCHEDULE 3

EVIDENCE

General provisions as to evidence

- 1 This Schedule has effect with respect to evidence in proceedings under Part X and proceedings for an offence under any other Part 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;
 - (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;
 - (c) 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
 - (d) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe or emblem,
- shall, if it purports 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 (1) A record made in any service book or other document prescribed by Queen's Regulations for the purposes of this paragraph, being a record—
- (a) made in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of military, air-force or naval duty, as the case may be; and
 - (b) 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.
- (2) A copy of a record (including the signature thereto) in any book or other document to which sub-paragraph (1) applies, if it purports 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.
- 4 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.
- 5 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 annexed to the certificate is or is not a military, naval or air-force decoration; or

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- (b) that a badge, wound stripe or emblem of a description specified in or annexed to the certificate is or is not one supplied or authorised by the Defence Council,

shall be evidence of the matters stated in the certificate.

- 6 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, unit or body of—
 - (i) the regular army or any reserve land force;
 - (ii) the Royal Marines or the Royal Marines Reserve; or
 - (iii) the regular air force or any reserve air force;
- (b) any division, class or other body of the Royal Navy, the Royal Fleet Reserve or the Royal Naval Reserve;
- (c) any command or other area, garrison or place; or
- (d) any ship, submarine, train or aircraft,

shall in proceedings against the person concerned be evidence of the matters stated in the certificate.

- 7 Where, in relation to one reserve force, any document would be evidence in any proceedings under Part X by virtue of this Schedule, or paragraph 6 of Schedule 1, that document shall in like manner, subject to the same conditions and for the like purpose be evidence in the like proceedings in relation to any other reserve force.