

## SCHEDULES

### SCHEDULE 3

Section 108.

#### 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.

*Proceedings for offences under section 95*

- 8 Where a man of any reserve force is required by or in pursuance of orders or regulations under section 4 to attend at any place, a certificate—

- (a) purporting to be signed by any officer or person who is mentioned in it as being appointed to be present at that place for the purpose of inspecting men of the force in question or for any other purpose connected with that force; and  
 (b) stating that the man failed to attend in accordance with that requirement,

shall without proof of the signature or appointment of the officer or person be evidence of the failure in any proceedings relating to such a failure under section 95.

*Proof of outcome of civil trial*

- 9 (1) Where a person subject to service law has been tried before a civil court (whether at the time of the trial he was or was not subject to service law), a certificate signed by the clerk of the court and stating all or any of the following matters—

- (a) that the person concerned was tried before the court for an offence specified in the certificate;  
 (b) the result of the trial;  
 (c) what judgment or order was given or made by the court; and  
 (d) that other offences specified in the certificate were taken into consideration at the trial,

shall 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

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paid such fee as may be prescribed by regulations made by the Secretary of State under section 199 of the Army Act 1955, section 199 of the Air Force Act 1955 or section 129B of the Naval Discipline Act 1957, 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.