



# Documentary Evidence Act 1868

1868 CHAPTER 37 31 and 32 Vict

An Act to amend the Law relating to Documentary Evidence in certain Cases.  
[25th June 1868]

## Textual Amendments

**F1** Preamble omitted under authority of Statute Law Revision Act 1893 (c. 14)

## Modifications etc. (not altering text)

- C1** This Act is not necessarily in the form in which it has effect in Northern Ireland
- C2** Act amended by [S.I. 1964/488](#), [Sch. 1 Pt. I](#); extended by (E.W.) [Land Drainage Act 1976 \(c. 70\)](#), [s. 9\(11\)](#), [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\)](#), [s. 20\(9\)](#) and enactments listed in Chronological Table of the Statutes
- C3** Act extended by [S.I. 1979/1573 \(N.I. 12\)](#), [art. 9](#)
- C4** Act extended by [S.I. 1985/226](#), [rule 41](#)
- C5** Act applied with modifications by [S.I. 1988/1843](#), [art. 5\(1\)](#)
- C6** Act extended with modifications (31.7.1989) by [S.I. 1989/992](#), [art. 6](#)
- C7** Act applied (NI) (27.8.1991) (temporarily until 15.6.1992 unless continued by Order) by [Northern Ireland \(Emergency Provisions\) Act 1991 \(c. 24, SIF 39:1\)](#), [s. 26\(12\)](#) (with s. 69)
- C8** Act amended (E.W.) (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), [ss. 1\(6\), 223\(2\)](#), [Sch.1 para.5](#)
- C9** Act extended (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), [ss. 193\(3\)\(b\), 225\(2\)](#)
- C10** Act extended (1.7.1992) by [Social Security Administration Act 1992 \(c. 5\)](#), [s. 177](#), [Sch. 8 para. 3](#)
- C11** Act amended (prosp.) by [Education \(Schools\) Act 1992 \(c. 38\)](#), [ss. 1\(6\), 5\(6\), 21\(3\)](#), [Sch. 1 para. 7](#); which amendment is in force (31.8.1992) for England and Wales by [S.I. 1992/1157](#), [art. 2](#), [Sch.](#) and in force (1.5.1993) for Scotland by [S.I. 1993/1190](#), [art.3](#).
- C12** Act amended (1.1.1993) by [S.I. 1992/3060](#), [reg. 7\(6\)](#), [Sch. 2 para. 6\(c\)](#)
- C13** Act amended (5.11.1993) by [1993 c. 43](#), [s. 1\(6\)](#), [Sch. 1 para.6\(c\)](#)  
Act applied (N.I.) (25.8.1996) by [1996 c. 22](#), [ss. 28\(12\), 62\(1\)](#) (with s. 62(2))  
Act modified (1.11.1996) by [1996 c. 57](#), [ss. 1, 4, 48\(2\)](#), [Sch. 1 para. 6](#)  
Act applied (with modifications) (22.8.1997) by [S.I. 1997/1759](#), [art. 7\(5\)](#)  
Act applied (with modifications) (26.1.1998) by [S.I. 1997/2971](#), [art. 2\(5\)](#)  
Act amended (2.12.1999) by [1998 c. 47](#), [s. 88\(6\)](#) (with s. 95(1)); [S.I. 1999/3209](#), [art. 2](#), [Sch.](#)  
Act modified (27.6.1998) by [S.I. 1998/1340](#), [reg. 9\(6\)](#), [Sch. 2 para. 6\(c\)](#)  
Act applied (with modifications) (N.I.) (2.12.1999) by [S.I. 1999/663](#), [arts. 1\(2\), 4](#)

*Changes to legislation: There are currently no known outstanding effects for the Documentary Evidence Act 1868. (See end of Document for details)*

- Act applied (with modifications) (N.I.) (1.12.1999) by S.I. 1999/283 (N.I. 1), **arts. 1(2)**, 7(3); S.R. 1999/480, **art. 2**
- Act applied (with modifications) (13.8.2001) by S.I.2001/2568, **art. 3(5)**, 4(5)
- Act extended (19.2.2001) by 2000 c. 11, ss. 120(4), 128; S.I. 2001/421, **art. 2**
- Act amended (15.1.2001) by 2000 c. 38, s. 204, **Sch. 14 para. 25**; S.I. 2000/3376, **art. 2**
- C14** Act applied with modifications (27.6.2002) by The Secretaries of State for Education and Skills and for Work and Pensions Order 2002 (S.I. 2002/1397), **art. 3(5)**, **art. 4(5)**
- C15** Act applied with modifications (25.11.2002) by The Transfer of Functions (Transport, Local Government and the Regions) Order 2002 (S.I. 2002/2626), **art. 19**
- C16** Act modified (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 99(4), 136(2), **Sch. 7 para. 6**; S.I. 2003/1725, **art. 2(1)**
- C17** Act modified (25.7.2003 for certain purposes otherwise 29.12.2003) by Communications Act 2003 (c. 21), **ss. 403(8)**, 411(2) (with **Sch. 18**); S.I. 2003/1900, **arts. 1(2)**, **2(1)**, **Sch. 1** (with transitional provisions in **art. 3** (as amended (8.12.2003) by S.I. 2003/3142, **art. 1(3)**)); S.I. 2003/3142, **art. 3(2)** (with **art. 11**)
- C18** Act applied (with modifications) (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), **art. 3(5)** (with **art. 6**)
- C19** Act applied (7.1.2004) by Northern Ireland Act 1998 (c. 47), s. 95A(11) (as inserted by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **s. 10(1)**); S.I. 2004/83, **art. 2**)
- C20** Act applied (with modifications) (1.9.2005) by Education Act 2005 (c. 18), ss. 1(6), 125(4), 126(2)(a), **Sch. 1 para. 6**; S.I. 2005/2034, **art. 3** (with **art. 10**, **Sch.**)
- C21** Act applied (with modifications) (7.4.2005 at 5.45 pm) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. s.24(5)(6); S.I. 2005/1126, **art. 2(1)**
- C22** Act applied (with modifications) (1.9.2006) by Education Act 2005 (c. 18), ss. 19(8), 125(4), 126(2)(b) {**Sch. 2 para. 6**}; S.I. 2006/1338, **art. 4(1)**, **Sch. 2**, (with **Sch. 4**)
- C23** Act applied (with modifications) (21.8.2006) by The Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), **art. 3(5)**
- C24** Act applied (with modifications) (12.12.2006) by Education and Inspections Act 2006 (c. 40), ss. 112(4), 188(3), 189(7), **Sch. 11 para. 11**; S.I. 2006/2990, **art. 2(i)(ii)**
- C25** Act modified (27.2.2007) by Charities Act 1993 (c. 10), **Sch. 1A para. 9** (as inserted by Charities Act 2006 (c. 50), ss. 6(2), 79(2), **Sch. 1 para. 1**; S.I. 2007/309, **art. 2**, **Sch.** (with **arts. 4-13**))
- C26** Act applied (with modifications) (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 115, 188(3), 189(7), **Sch. 12 para. 5**; S.I. 2007/935, **art. 5(gg)**
- C27** Act modified by Government of Wales Act 2006 (c. 32), **ss. 90(7)**, 161(1), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) (subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act) (with **Sch. 11 para. 22**)
- C28** Act modified (19.7.2007) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 60(8)**, 66(1) (with s. 60(7)(9))
- C29** Act applied (with modifications) (22.8.2007) by The Secretary of State for Justice Order 2007 (S.I. 2007/2128), **art. 3(5)**
- C30** Act applied (with modifications) (12.10.2007) by The Transfer of Functions (Equality) Order 2007 (S.I. 2007/2914), **art. 4(5)**
- C31** Act applied (with modifications) (12.12.2007) by The Secretaries of State for Children, School and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007 (S.I. 2007/3224), **art. 4(5)**
- C32** Act applied (with modifications) (5.3.2009) by The Secretary of State for Energy and Climate Change Order 2009 (S.I. 2009/229), **art. 3(5)**
- C33** Act applied (with modifications) (13.11.2009) by The Secretary of State for Business, Innovation and Skills Order 2009 (S.I. 2009/2748), **art. 3(5)** (with **art. 7**)
- C34** Act applied (with modifications) (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) ss. 127(3), 269(4), {**Sch. 9 para. 13**}; S.I. 2010/1151, **art. 2**, **Sch. 1** (with **arts. 5-20**)

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- C35** Act applied (with modifications) (7.7.2010) by The Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), **art. 3(5)**
- C36** Act applied (with modifications) (18.8.2010) by The Secretary of State for Education Order 2010 (S.I. 2010/1836), **art. 3(5)** (with art. 5)
- C37** Act applied (with modifications) (E.W.) (14.3.2012) by Charities Act 2011 (c. 25), **Sch. 1 para. 9** (with s. 20(2), Sch. 8)
- C38** Act applied (14.11.2012) by The Transfer of Functions (Secretary of State for Culture, Media and Sport) Order 2012 (S.I. 2012/2590), **art. 5(8)** (with art. 6)
- C39** Act applied (with modifications) by 1979 c. 10, Sch. para. 6 (as substituted (1.10.2013) by The Public Bodies (Abolition of the Registrar of Public Lending Right) Order 2013 (S.I. 2013/2352), art. 1(2), **Sch. 1 para. 12(3)** (with art. 8))
- C40** Act modified by 1991 c. 57, s. 193A(5) (as substituted (1.10.2014) by Water Act 2014 (c. 21), **ss. 59(2)**, 94; S.I. 2014/1823, art. 3)
- C41** Act modified by 1991 c. 57, s. 194A(5) (as substituted (1.10.2014) by Water Act 2014 (c. 21), **ss. 59(2)**, 94; S.I. 2014/1823, art. 3)
- C42** Act applied (with modifications) (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), **art. 4(5)** (with art. 13)
- C43** Act applied (with modifications) (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), **art. 3(5)** (with art. 13)
- C44** Act applied (with modifications) (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), **art. 5(5)** (with art. 13)
- C45** Act applied (8.11.2017) by The Transfer of Functions (Secretary of State for Digital, Culture, Media and Sport) Order 2017 (S.I. 2017/979), **art. 3(5)** (with art. 7)
- C46** Act applied (with modifications) (11.4.2018) by The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 (S.I. 2018/378), arts. 1(2), **3(5)**, **7(5)**
- C47** Act applied (with modifications) (30.9.2020) by The Transfer of Functions (Secretary of State for Foreign, Commonwealth and Development Affairs) Order 2020 (S.I. 2020/942), arts. 1(2), **3(5)**
- C48** Act applied (with modifications) (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), **art. 3(5)** (with art. 12)
- C49** Act applied (with modifications) (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **5(5)** (with art. 17)
- C50** Act applied (with modifications) (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **3(5)** (with art. 17)
- C51** Act applied (with modifications) (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **6(2)** (with art. 17)
- C52** Act applied (with modifications) (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **4(5)** (with art. 17)
- C53** Act modified (26.10.2023) by Online Safety Act 2023 (c. 50), **ss. 224(5)**, 240(4)

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### Commencement Information

**II** Act wholly in force at Royal Assent.

## 1 Short title.

This Act may be cited for all purposes as “The Documentary Evidence Act 1868.”

## 2 Mode of proving certain documents.

Prima facie evidence of any proclamation, order, or regulation issued before or after the passing of this Act by Her Majesty, or by the Privy Council, also of any proclamation, order, or regulation issued before or after the passing of this Act by or under the authority of any such department of the Government or officer [<sup>F2</sup>or office-holder in the Scottish Administration] as is mentioned in the first column of the schedule hereto, may be given in all courts of justice, and in all legal proceedings whatsoever, in all or any of the modes herein-after mentioned; that is to say:

- (1) By the production of a copy of the Gazette purporting to contain such proclamation, order, or regulation.
- (2) By the production of a copy of such proclamation, order, or regulation, purporting to be printed by the Government printer, or, where the question arises in a court in any British colony or possession, of a copy purporting to be printed under the authority of the legislature of such British colony or possession.
- (3) By the production, in the case of any proclamation, order or regulation issued by Her Majesty or by the Privy Council, of a copy or extract purporting to be certified to be true by the clerk of the Privy Council, or by any one of the lords or others of the Privy Council, and, in the case of any proclamation, order, or regulation issued by or under the authority of any of the said departments or officers [<sup>F2</sup>or office-holders], by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said schedule in connexion with such department or officer [<sup>F2</sup>or office-holder].

Any copy or extract made in pursuance of this Act may be in print or in writing, or partly in print and partly in writing.

No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, or regulation.

### Textual Amendments

**F2** Words in s. 2 inserted (6.5.1999) by S.I. 1999/1042, art. 3, **Sch. 1 Pt. I para. 1**

### Modifications etc. (not altering text)

**C54** S. 2 applied (27.2.1997) by 1997 c. 7, **s. 1(2)** (with s. 11(2))

**C55** S. 2 applied (with modifications) (7.4.2005 at 5:45pm) by **Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 24(5)(6), 53(1); S.I. 2005/1126, art. 2(1)**

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### 3 Act to be in force in colonies.

Subject to any law that may be from time to time made by the legislature of any British colony or possession, this Act shall be in force in every such colony and possession.

### [<sup>F3</sup>4 Punishment of forgery.

(1) If any person commits any of the offences following; that is to say, Prints any copy of any proclamation, order, or regulation, which falsely purports to have been printed by the Government printer, or to be printed under the authority of the legislature of any British colony or possession, or tenders in evidence any copy of any proclamation, order, or regulation, which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or

[ Forges or tenders in evidence, knowing the same to have been forged, any certificate <sup>F4</sup>(2) by this Act authorized to be annexed to a copy of or extract from any proclamation, order, or regulation;]

he shall be guilty of felony, and shall on conviction be liable to be sentenced to [<sup>F5</sup>imprisonment] . . . <sup>F6</sup>]

#### Textual Amendments

- F3** S. 4 repealed (except as it applies to S. ) (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group1.
- F4** S. 4(2) repealed (E.W.) (N.I.) by Forgery Act 1913 (c. 27), **Sch. Pt. I**
- F5** Words substituted by virtue of Criminal Justice Act 1948 (c. 58), **s. 1(1)**, Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(1)** and Criminal Justice Act (Northern Ireland) 1953 (c. 14), **s. 1(1)**
- F6** Words repealed by Statute Law Revision Act 1893 (c. 14)

### 5 Definition of terms.

(1) The following words shall in this Act have the meaning herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say),

“British colony and possession” shall for the purposes of this Act include the Channel Islands, the Isle of Man . . . <sup>F7</sup> and all other Her Majesty’s dominions.

“Legislature” shall signify any authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for any colony or possession.

“Privy Council” shall include Her Majesty in Council and the lords and others of Her Majesty’s Privy Council, or any of them, and any committee of the Privy Council that is not specially named in the schedule hereto.

“Government printer” shall mean and include the printer to Her Majesty, [<sup>F8</sup>the Queen’s Printer for Scotland,] and any printer purporting to be the printer authorized to print the statutes, ordinances, acts of state, or other public acts of the legislature of any British colony or possession, or otherwise to be the Government printer of such colony or possession.

“Gazette” shall include the London Gazette, the Edinburgh Gazette, and the [<sup>F9</sup>Belfast] Gazette, or any of such Gazettes.

[“ <sup>F8</sup>office-holder in the Scottish Administration”has the same meaning as in the Scotland Act 1998.]

(2) . . . . . <sup>F10</sup>

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**Changes to legislation:** There are currently no known outstanding effects for the Documentary Evidence Act 1868. (See end of Document for details)

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#### Textual Amendments

- F7** Words repealed by S.R. & O. 1937/230 (Rev. X, p. 545: 1937, p. 963), Sch. Pt. II
- F8** Words in s. 5(1) inserted (6.5.1999) by S.I. 1999/1042, art. 3, **Sch. 1 Pt. I para. 1**
- F9** Word substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967: 1921, p. 422), art. 7(a)
- F10** S. 5(2) repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. VII**

#### 6 Act to be cumulative.

The provisions of this Act shall be deemed to be in addition to, and not in derogation of, any powers of proving documents given by any existing statute, or existing at common law.

*Changes to legislation: There are currently no known outstanding effects for the Documentary Evidence Act 1868. (See end of Document for details)*

## SCHEDULE

**Modifications etc. (not altering text)**

- C56** Sch. amended by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 1, [Sch. 1 para. 7](#)
- C57** By [S.I. 1986/600](#) it is provided that the Documentary Evidence Act 1868 shall apply to the Lord President of the Council as if his name were included in the first column of the Schedule to that Act and as if he or any person authorised to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Lord President of the Council
- C58** Sch. amended (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 5(5), 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 3 para. 5, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- C59** Sch. amended (E.W.S.) by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 1(5), 112(3), Sch. 1 para. 6, [Sch. 17 para. 35\(1\)](#)
- C60** Act amended by [Education \(Schools\) Act 1992 \(c. 38\)](#), ss. 1(6), 5(6), [Sch. 1 para. 7\(a\)\(b\)](#) which amendment was brought into force (31.8.1992) partly by [S.I. 1992/1157](#), art. 2, [Sch.](#) and in force (1.5.1993) so far as then not already in force by [S.I. 1993/1190](#), art. 3.
- C61** Act amended (1.1.1993) by [S.I. 1992/3060](#), reg. 7(6), [Sch. 2 para. 6\(a\)\(b\)](#)
- C62** Sch. amended (E.W. ) (1.8.1993) by 1993 c. 10, ss. 1, 99(1), [Sch. 1 para. 3\(2\)](#).  
Sch. modified (1.11.1996) by 1996 c. 57 s. 1, 4, Sch. 1 para. 6(a)(b)  
Sch. modified (27.6.1998) by [S.I. 1998/1340](#), reg. 9(6), [Sch. 2 para. 6\(a\)\(b\)](#)

<b>Column 1</b>	<b>Column 2</b>
<b>Name of Department or Officer.</b>	<b>Names of Certifying Officers.</b>
The Treasury.	Any Commissioner, Secretary, or Assistant Secretary of the Treasury.
The Commissioners for executing the office of Lord High Admiral.	Any of the Commissioners for executing the office of Lord High Admiral, or either of the Secretaries to the said Commissioners.
Secretaries of State.	Any Secretary or Under-Secretary of State.
Committee of Privy Council for Trade.	Any member of the Committee of Privy Council for Trade, or any Secretary or Assistant Secretary of the said Committee.
...	...
F11	F11
[ <sup>F12</sup> any office-holder in the Scottish Administration]	[ <sup>F12</sup> a member of the staff of the Scottish Administration]

**Textual Amendments**

- F11** Entry relating to the Poor Law Board repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. 1 Gp. 5](#)
- F12** Words in [Sch.](#) inserted (6.5.1999) by [S.I. 1999/1042](#), art. 3, [Sch. 1 Pt. 1 para. 1](#)

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**Modifications etc. (not altering text)**

**C63** Sch. Column 1 amended (5.11.1993) by 1993 c. 43, ss 1(6), 154(2), **Sch. 1 para. 6(b)**.

**C64** Sch. Column 2 amended (5.11.1993) by 1993 c. 43, **ss 1(6)**, 154(2), Sch. 1 para. 6(c).



**Changes to legislation:**

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