
STATUTORY INSTRUMENTS

1997 No. 2983

The Civil Evidence (Northern Ireland) Order 1997

Documents

Proof of statements contained in documents

8.—(1) Where a statement contained in a document is admissible as evidence in civil proceedings, it may be proved—

- (a) by the production of that document; or
- (b) whether or not that document is still in existence, by the production of a copy of that document or of the material part of it,

authenticated in such manner as the court may approve.

(2) It is immaterial for this purpose how many removes there are between a copy and the original.

Proof of records of business or public authority

9.—(1) A document which is shown to form part of the records of a business or public authority may be received in evidence in civil proceedings without further proof.

(2) A document shall be taken to form part of the records of a business or public authority if there is produced to the court a certificate to that effect signed by an officer of the business or authority to which the records belong.

(3) For the purposes of paragraph (2)—

- (a) a document purporting to be a certificate signed by an officer of a business or public authority shall be deemed to have been duly given by such an officer and signed by him; and
- (b) a certificate shall be treated as signed by a person if it purports to bear a facsimile of his signature.

(4) The absence of an entry in the records of a business or public authority may be proved in civil proceedings by affidavit of an officer of the business or authority to which the records belong.

(5) In this Article—

“business” includes any activity regularly carried on over a period of time, whether for profit or not, by any body (whether corporate or not) or by an individual;

“officer” includes any person occupying a responsible position in relation to the relevant activities of the business or public authority or in relation to its records;

“public authority” includes any public or statutory undertaking, any Northern Ireland department or department of the Government of the United Kingdom and any person holding office under Her Majesty;

“records” means records in whatever form.

(6) The court may, having regard to the circumstances of the case, direct that all or any of the above provisions of this Article do not apply in relation to a particular document or record, or description of documents or records.

Admissibility and proof of Ogden Tables

10.—(1) The actuarial tables (together with explanatory notes) for use in personal injury and fatal accident cases issued from time to time by the Government Actuary’s Department are admissible in evidence for the purpose of assessing, in an action for personal injury, the sum to be awarded as general damages for future pecuniary loss.

(2) They may be proved by the production of a copy published by or under the authority of Her Majesty’s Stationery Office.

(3) For the purposes of this Article—

- (a) “personal injury” includes any disease and any impairment of a person’s physical or mental condition; and
- (b) “action for personal injury” includes an action brought by virtue of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937 or the Fatal Accidents (Northern Ireland) Order 1977.