



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART VII

DOCUMENTARY EVIDENCE IN CRIMINAL PROCEEDINGS

68 Evidence from documentary records

- (1) Subject to section 69 below, a statement in a document shall be admissible in any proceedings as evidence of any fact stated therein of which direct oral evidence would be admissible if—
 - (a) the document is or forms part of a record compiled by a person acting under a duty from information supplied by a person (whether acting under a duty or not) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in that information; and
 - (b) any condition relating to the person who supplied the information which is specified in subsection (2) below is satisfied.
- (2) The conditions mentioned in subsection (1)(b) above are—
 - (a) that the person who supplied the information—
 - (i) is dead or by reason of his bodily or mental condition unfit to attend as a witness ;
 - (ii) is outside the United Kingdom and it is not reasonably practicable to secure his attendance; or
 - (iii) cannot reasonably be expected (having regard to the time which has elapsed since he supplied or acquired the information and to all the circumstances) to have any recollection of the matters dealt with in that information;
 - (b) that all reasonable steps have been taken to identify the person who supplied the information but that he cannot be identified; and
 - (c) that, the identity of the person who supplied the information being known, all reasonable steps have been taken to find him, but that he cannot be found.

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- (3) Nothing in this section shall prejudice the admissibility of any evidence that would be admissible apart from this section.

69 Evidence from computer records

- (1) In any proceedings, a statement in a document produced by a computer shall not be admissible as evidence of any fact stated therein unless it is shown—
- (a) that there are no reasonable grounds for believing that the statement is inaccurate because of improper use of the computer; ,
 - (b) that at all material times the computer was operating properly, or if not, that any respect in which it was not operating properly or was out of operation was not such as to affect the production of the document or the accuracy of its contents ; and
 - (c) that any relevant conditions specified in rules of court under subsection (2) below are satisfied.
- (2) Provision may be made by rules of court requiring that in any proceedings where it is desired to give a statement in evidence by virtue of this section such information concerning the statement as may be required by the rules shall be provided in such form and at such time as may be so required.

70 Provisions supplementary to sections 68 and 69

- (1) Part I of Schedule 3 to this Act shall have effect for the purpose of supplementing section 68 above.
- (2) Part II of that Schedule shall have effect for the purpose of supplementing section 69 above.
- (3) Part III of that Schedule shall have effect for the purpose of supplementing both sections.

71 Microfilm copies

In any proceedings the contents of a document may (whether or not the document is still in existence) be proved by the production of an enlargement of a microfilm copy of that document or of the material part of it, authenticated in such manner as the court may approve.

72 Part VII-supplementary

- (1) In this Part of this Act—
- " copy " and " statement " have the same meanings as in Part I of the Civil Evidence Act 1968 ; and
 - " proceedings " means criminal proceedings, including—
 - (a) proceedings in the United Kingdom or elsewhere before a court-martial constituted under the Army Act 1955 or the Air Force Act 1955 ;
 - (b) proceedings in the United Kingdom or elsewhere before the Courts-Martial Appeal Court—
 - (i) on an appeal from a court-martial so constituted or from a court-martial constituted under the Naval Discipline Act 1957 ; or

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- (ii) on a reference under section 34 of the Courts-Martial (Appeals) Act 1968 ; and
 - (c) proceedings before a Standing Civilian Court.
- (2) Nothing in this Part of this Act shall prejudice any power of a court to exclude evidence (whether by preventing questions from being put or otherwise) at its discretion.