



# Crime and Punishment (Scotland) Act 1997

## 1997 CHAPTER 48

### PART II

#### CRIMINAL PROCEDURE

##### *Evidential provisions*

#### **28 Evidence from certain official documents.**

- (1) Section 154 of the 1995 Act shall cease to have effect.
- (2) After section 279 of the 1995 Act there shall be inserted the following section—

*“ Evidence from certain official documents*

#### **279A Evidence from certain official documents.**

- (1) Any letter, minute or other official document issuing from the office of or in the custody of any of the departments of state or government in the United Kingdom which—
  - (a) is required to be produced in evidence in any prosecution; and
  - (b) according to the rules and regulations applicable to such departments may competently be so produced,shall when so produced *beprima facie* evidence of the matters contained in it without being produced or sworn to by any witness.
- (2) A copy of any such document as is mentioned in subsection (1) above bearing to be certified by any person having authority to certify it shall be treated as equivalent to the original of that document and no proof of the signature of the person certifying the copy or of his authority to certify it shall be necessary.

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**Changes to legislation:** There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 28. (See end of Document for details)

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- (3) Any order by any of the departments of state or government or any local authority or public body made under powers conferred by any statute or a print or a copy of such an order, shall when produced in a prosecution be received as evidence of the due making, confirmation, and existence of the order without being sworn to by any witness and without any further or other proof.
- (4) Subsection (3) above is without prejudice to any right competent to the accused to challenge any order such as is mentioned in that subsection as being *ultra vires* of the authority making it or on any other competent ground.
- (5) Where an order such as is mentioned in subsection (3) above is referred to in the indictment or, as the case may be, the complaint, it shall not be necessary to enter it in the record of the proceedings as a documentary production.
- (6) The provisions of this section are in addition to, and not in derogation of, any powers of proving documents conferred by statute or existing at common law.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 28.