
STATUTORY INSTRUMENTS

1991 No. 2737

The Naval Courts-Martial General Orders (Royal Navy) 1991

**PART VI
EVIDENCE**

Rules of evidence

67. The rules as to the admissibility of evidence to be observed in proceedings before courts-martial shall, subject to the provision of Order 70, be the same as those observed in all criminal courts in England (and shall include provision contained in any enactment whether passed before or after the commencement of these General Orders) and the judge advocate shall so advise the court.

Privileges of witnesses

68. A witness before a court-martial shall be entitled to the same immunities and privileges as a witness before the High Court in England.

Proof of service facts and records

69. –

(1) The following provisions shall have effect with respect to evidence in proceedings before a court-martial.

(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; or
- (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, or at any specified time or during any specified time was or was not serving or held or did not hold any rank or appointment in any particular country or place; or
- (c) was or was not at any specified time authorised to use or wear any decoration, badge, or emblem;

shall if purporting to be issued by or on behalf of the Defence Council or by a person authorised by them, be evidence of the matter stated in the document.

(3) A record made in any service record, being a record made in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of naval duty and purporting to be signed by the commanding officer or by any person whose duty it was to make or keep the records or a copy of a record (including the signature thereto) in any record as aforesaid, purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the record, may be received without formal proof in all trials under the Act as prima facie evidence of such record.

(4) A document purporting to be issued by order of the Defence Council and to contain instructions given or regulations 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, as annexed to the certificate is a military, naval or air force decoration; or
- (b) that a badge or emblem of a description specified in or, as annexed to the certificate is 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 ship, train or aircraft;
- (b) any formation or unit or body of Her Majesty's forces; or
- (c) any command or other area, or place;

shall in proceedings against the said person be evidence of the matters stated in the certificate.

(7) Any document which would be evidence in any proceedings under the Army Act 1955(1) or Air Force Act 1955(2) by virtue of section 189 of those Acts shall in like manner, subject to the like conditions, and for the like purposes be evidence in a court-martial under the Act.

Bankers' Books

70. The powers conferred by section 7 of the Bankers' Books Evidence Act 1879(3) may be exercised for the purposes of a court-martial by order of the convening authority.

Evidence in navigational trials

71. —

(1) The documents referred to in Order 15 or Order 17 shall be admissible in evidence in any trial by court-martial as to the navigation of one of Her Majesty's ships or vessels or aircraft.

(2) The report and other documents referred to in Order 16 shall be admissible, in such a trial, if produced by their maker.

(3) If the court approves such a report, the president shall endorse it to that effect but if the court do not approve the report the president shall endorse that fact under his signature, specifying the respects in which the court dissents and the reasons therefore.

(1) 1955 c. 18.
(2) 1955 c. 19.
(3) 1879 c. 11.