



Civil Evidence Act (Northern Ireland) 1971

1971 CHAPTER 36

PART II

MISCELLANEOUS AND GENERAL

CONVICTIONS, ETC. AS EVIDENCE IN CIVIL PROCEEDINGS

9 Conclusiveness of convictions for purposes of defamation actions.

- (1) In an action for libel or slander in which the question whether^[F1] the plaintiff did or did not commit a criminal offence is relevant to an issue arising in the action, proof that, at the time when that issue falls to be determined, ^[F1] he] stands convicted of that offence shall be conclusive evidence that he committed that offence; and his conviction thereof shall be admissible in evidence accordingly.
- (2) In any such action as aforesaid in which by virtue of this section^[F1] the plaintiff is proved to have been convicted of an offence, the contents of any document which is admissible as evidence of the conviction, and the contents of the information, complaint, indictment or charge-sheet on which^[F1] he] was convicted, shall, without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the conviction was based, be admissible in evidence for the purpose of identifying those facts.

^[F1](2A) In the case of an action for libel or slander in which there is more than one plaintiff—

- (a) the references in subsections (1) and (2) to the plaintiff shall be construed as references to any of the plaintiffs, and
- (b) proof that any of the plaintiffs stands convicted of an offence shall be conclusive evidence that he committed that offence so far as that fact is relevant to any issue arising in relation to his cause of action or that of any other plaintiff.]

Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act (Northern Ireland) 1971, Section 9. (See end of Document for details)

- (3) For the purposes of this section a person shall be taken to stand convicted of an offence if but only if there subsists against him a conviction of that offence by or before a court in the United Kingdom or [^{F2}(in the case of a service offence) a conviction (anywhere) of that service offence] .
- (4) Section 7(4) to [^{F3}(7)] shall apply for the purposes of this section as they apply for the purposes of that section, but as if in section 7(4) the reference to subsection (2) of section 7 were a reference to subsection (2) of this section.
- (5) The foregoing provisions of this section shall apply for the purposes of any action begun after the passing of this Act, whenever the cause of action arose, but shall not apply for the purposes of any action begun before the passing of this Act or any appeal or other proceedings arising out of any such action.

F1 1996 c.31

F2 Words in s. 9(3) substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), ss. 378(1), 383(2), [Sch. 16 para. 60\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

F3 Words in s. 9(4) substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), ss. 378(1), 383(2), [Sch. 16 para. 60\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Modifications etc. (not altering text)

C1 [S. 9](#) modified (24.4.2009 for specified purposes and otherwise 31.10.2009) by [Armed Forces Act 2006](#) (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), arts. 1(3), 205, [Sch. 1 para. 12\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Civil Evidence Act (Northern Ireland) 1971, Section 9.