Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

1968 CHAPTER 70

PART III

AMENDMENT OF THE LAW OF EVIDENCE IN CIVIL PROCEEDINGS

General

17 Interpretation of Part III, saving, etc.

(1) In this Part of this Act "civil proceedings" includes, in addition to civil proceedings in any of the ordinary courts of law,—

(a) civil proceedings before any other tribunal, except proceedings in relation to which the strict rules of evidence do not apply, and

(b) an arbitration, whether under an enactment or not,

and "court" shall be construed accordingly.

(2) In this Part of this Act "consistorial action" does not include an action of ailment only between husband and wife raised in the Court of Session or an action of interim aliment raised in the sheriff court.

(3) In this Part of this Act—

. . . [F1]

"document" includes, in addition to a document in writing—

(a) any map, plan, graph or drawing ;

(b) any photograph ;

(c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom ; and

Changes to legislation: *There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Cross Heading: General. (See end of Document for details)*

(d) any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom ;

"film" includes a microfilm ;

"statement" includes any representation of fact, whether made in words or otherwise.

(4) In this Part of this Act any reference to a copy of a document includes—

(a) in the case of a document falling within paragraph (c) but not (d) of the definition of "document" in subsection (3) of this section, a transcript of the sounds or other data embodied therein ;

(b) in the case of a document falling within paragraph (d) but not (c) of that definition, a reproduction or still reproduction of the image or images embodied therein, whether enlarged or not ;

(c) in the case of a document falling within both those paragraphs, such a transcript together with such a still reproduction ; and

(d) in the case of a document not falling within the said paragraph (d) of which a visual image is embodied in a document falling within that paragraph, a reproduction of that image, whether enlarged or not ;

and any reference to a copy of the material part of a document shall be construed accordingly.

(5) The clerk of any court having custody of any document shall, on the application of any person who wishes to rely, by virtue of section 10(2), section 11(2) or section 12(2) of this Act or any corresponding provision for the time being in force in any part of the United Kingdom outside Scotland, on the contents of that document in proceedings which he proposes to raise, or which are pending, in any court in the United Kingdom, and on payment by that person of such fee as may be prescribed by act of adjournal or act of sederunt, as the case may be, made with the approval of the Treasury, issue to that person a copy of that document, or of the material part thereof, certified or otherwise authenticated by or on behalf of the court.

(6) Nothing in this Part of this Act shall prejudice the operation of any agreement (whenever made) between the parties to any proceedings as to the evidence which is to be admissable (whether generally or for any particular purpose) in those proceedings.

Textual Amendments

F1 Definition repealed by Civil Evidence (Scotland) Act 1988 (c. 32, SIF 47), s. 10(1)(3), **Sch.**

Modifications etc. (not altering text)

C1 S. 17(4) applied by 1988 c. 52, s. 46B(4) (as inserted (11.4.2003) by 1999 c. 12, ss. 4, 9(2); S.I. 2003/1095, **art. 2**)

C2 S. 17(4) applied by Finance Act 1988 (c. 39, SIF 63:1), **s. 127(5)**(*a*)

C3 S. 17(4) applied (1.9.1994) by 1994 c. 22, **s. 52(4)(b)(5)** (with s. 57(4))

C4 S. 17(4) applied by 1969 c. 27, **s. 27(4)(b)** (as substituted (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 5(3)** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**)

C5 S. 17(4) applied by 1994 c. 22, **s. 52(4)** (as substituted (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 19** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**)

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