



Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

1968 CHAPTER 70

PART III

AMENDMENT OF THE LAW OF EVIDENCE IN CIVIL PROCEEDINGS

Convictions, etc., as evidence in civil proceedings

10 Convictions as evidence in civil proceedings.

- (1) If any civil proceedings the fact that a person has been convicted of an offence by or before any court in the United Kingdom or [^{F1}of a service offence (anywhere)] shall (subject to subsection (3) of this section) be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those proceedings, that he committed that offence, whether he was so convicted upon a plea of guilty or otherwise and whether or not he is a party to the civil proceedings ; but no conviction other than a subsisting one shall be admissible in evidence by virtue of this section.
- (2) In any civil proceedings in which by virtue of this section a person is proved to have been convicted of an offence by or before any court in the United Kingdom or [^{F2}of a service offence]—
 - (a) he shall be taken to have committed that offence unless the contrary is proved, and
 - (b) without prejudice to the reception of any other admissible evidence for the purposes of identifying the facts which constituted that offence, the contents of any document which is admissible as evidence of the conviction, and the contents of the complaint, information, indictment or charge-sheet on which the person in question was convicted, shall be admissible in evidence for that purpose.

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Section 10. (See end of Document for details)

- (3) Nothing in this section shall affect the operation of section 12 of this Act or any other enactment whereby a conviction or a finding of fact in any criminal proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.
- (4) Where in any civil proceedings the contents of any document are admissible in evidence by virtue of subsection (2) of this section, a copy of that document, or of the material part thereof, purporting to be certified or otherwise authenticated by or on behalf of the court or authority having custody of that document, shall be admissible in evidence and shall be taken to be a true copy of that document or part unless the contrary is shown.
- (5) Nothing in any of the following enactments, that is to say—
- (a) [^{F3}section 82 of the Sentencing Code] (under which a conviction leading to probation or discharge is to be disregarded except as therein mentioned) ;
 - [^{F4}(aa) section 187 of the Armed Forces Act 2006 (which makes similar provision in respect of service convictions);]
 - (b) [^{F5}section 191 of the ^{M1}Criminal Procedure (Scotland) Act 1975] (which makes similar provision in respect of convictions on indictment in Scotland) ;
 - (c) section 8 of the ^{M2}Probation Act (Northern Ireland) 1950 (which corresponds to the said section 12) or any corresponding enactment of the Parliament of Northern Ireland for the time being in force,
- shall, affect the operation of this section ; and for the purposes of this section any order made by a court of summary jurisdiction under [^{F5}section 383 of the said Act of 1975] shall be treated as a conviction.

[^{F6}(6) In this section—

“service offence” has the same meaning as in the Armed Forces Act 2006;
 “conviction” includes anything that under section 376(1) and (2) of that Act is to be treated as a conviction, and “convicted” is to be read accordingly.]

Textual Amendments

- F1** Words in s. 10(1) substituted (31.10.2009) by [The Armed Forces Act 2006 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2054\)](#), art. 2, **Sch. 1 para. 6(2)**
- F2** Words in s. 10(2) substituted (31.10.2009) by [The Armed Forces Act 2006 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2054\)](#), art. 2, **Sch. 1 para. 6(3)**
- F3** Words in s. 10(5)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 22** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F4** S. 10(5)(aa) inserted (31.10.2009) by [The Armed Forces Act 2006 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2054\)](#), art. 2, **Sch. 1 para. 6(4)**
- F5** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), s. 38(1)
- F6** S. 10(6) substituted (31.10.2009) by [The Armed Forces Act 2006 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2054\)](#), art. 2, **Sch. 1 para. 6(5)** (with [Sch. 2 para. 2](#))

Modifications etc. (not altering text)

- C1** S. 10 extended by [Fair Trading Act 1973 \(c. 41\)](#), s. 36(1)
- C2** S. 10 extended by [S.R. 1983/153](#), art. 18 and [S.I. 1983/887](#), art. 18
- C3** S. 10 explained (1.4.1996) by [1995 c. 43](#), s. 46(13)
- C4** S. 10 extended (31.3.1996) by [1995 c. 20](#), s. 112(13) (which s. 112 was repealed (1.4.1996) by [1995 c. 40](#), ss. 4, 6(1), [Sch. 3 Pt. II para. 16\(3\)](#), [Sch. 5](#))
- S. 10 extended (20.6.2003) by [2002 c. 40](#), ss. 228(1)(b), 279; [S.I. 2003/1397](#), art. 2, [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Section 10. (See end of Document for details)

Marginal Citations

M1 1975 c. 21.

M2 1950 c. 7 (N.I.).

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Section 10.