



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

12 Conclusiveness of convictions for purposes of defamation actions.

- (1) In an action for defamation in which the question whether [^{F1}the pursuer] 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 pursuer] 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 complaint, information, 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 which constituted that offence, be admissible in evidence for the purpose of identifying those facts.
- [^{F2}(2A) In the case of an action for defamation in which there is more than one pursuer—
- (a) the references in subsections (1) and (2) above to the pursuer shall be construed as references to any of the pursuers, and
 - (b) proof that any of the pursuers 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 pursuer.]

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Section 12. (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 [^{F3}(in the case of a service offence) a conviction (anywhere) of that service offence].
- (4) Subsections (4) to (6) of section 10 of this Act shall apply for the purposes of this section as they apply for the purposes of that section, but as if in the said section (4) the reference to subsection (2) 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 coming into operation of this section, whenever the cause of action arose, but shall not apply for the purposes of any action begun before such commencement or any appeal or other proceedings arising out of any such action.

Textual Amendments

- F1** Words in S. 12(1)(2) substituted (4.9.1996) by 1996 c. 31, **ss. 12(2), 19** (with s. 20(2))
- F2** S. 12(2A) inserted (4.9.1996) by 1996 c. 31, **ss. 12(2), 19** (with s. 20(2))
- F3** Words in s. 12(3) substituted (31.10.2009) by The Armed Forces Act 2006 (Consequential Amendments) Order 2009 (S.I. 2009/2054), art. 2, **Sch. 1 para. 6(6)**

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Section 12.