



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART IV

#### WITNESSES AND EVIDENCE

##### *Evidence generally*

#### **98 Evidence on oath**

Subject to the provisions of any enactment or rule of law authorising the reception of unsworn evidence, evidence given before a magistrates' court shall be given on oath.

#### **99 Proof of non-payment of sum adjudged**

Where a magistrates' court has ordered one person to pay to another any sum of money, and proceedings are taken before that or any other magistrates' court to enforce payment of that sum, then—

- (a) if the person to whom the sum is ordered to be paid is a clerk of a magistrates' court, a certificate purporting to be signed by the clerk that the sum has not been paid to him ; and
- (b) in any other case a document purporting to be a statutory declaration by the person to whom the sum is ordered to be paid that the sum has not been paid to him,

shall be admissible as evidence that the sum has not been paid to him, unless the court requires the clerk or other person to be called as a witness.

#### **100 Statement of wages to be evidence**

A statement in writing to the effect that wages of any amount have been paid to a person during any period, purporting to be signed by or on behalf of his employer, shall be evidence of the facts therein stated in any proceedings taken before a magistrates' court—

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*Status: This is the original version (as it was originally enacted).*

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- (a) for enforcing payment by the person to whom the wages are stated to have been paid of a sum adjudged to be paid by a summary conviction or order; or
- (b) on any application made by or against that person for the making of an order in any matter of bastardy or an order enforceable as an affiliation order, or for the variation, revocation, discharge or revival of such an order.

#### **101 Onus of proving exceptions, etc.**

Where the defendant to an information or complaint relies for his defence on any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence or matter of complaint in the enactment creating the offence or on which the complaint is founded, the burden of proving the exception, exemption, proviso, excuse or qualification shall be on him ; and this notwithstanding that the information or complaint contains an allegation negating the exception, exemption, proviso, excuse or qualification.