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STATUTORY INSTRUMENTS

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**2009 No. 1209**

**The Armed Forces (Service Civilian Court) Rules 2009**

**PART 12**

**EVIDENCE**

**CHAPTER 4**

Evidence of service matters

**Evidence of enlistment**

**68.**—(1) A document purporting to be an enlistment paper used to enlist a person in accordance with regulations made under section 328 shall be evidence that—

- (a) that person was enlisted, on the date on which the declaration in the enlistment paper purports to have been signed by him, and on the terms set out in the document; and
- (b) anything recorded in the document as the answer given by him to a question in the document was given by him in answer to that question when it was put to him by or on the direction of the recruiting officer who enlisted him.

(2) A document purporting to be a copy of such a document as is mentioned in paragraph (1) and purporting to be certified to be a true copy by a person stated in the certificate to have custody of the document shall be evidence of the matters mentioned in sub-paragraphs (a) and (b) of that paragraph.

**Evidence as to service etc**

**69.** A document stating that a person—

- (a) was or was not serving at any specified time or during any specified period in any part of Her Majesty's forces,
- (b) was discharged from any of Her Majesty's forces at or before any specified time,
- (c) held or did not hold at any specified time any specified rank, rate or appointment in any of Her Majesty's forces,
- (d) had at or before any specified time been attached, posted or transferred to any part of Her Majesty's forces,
- (e) at any specified time or during any specified period was or was not serving or held or did not hold any rank, rate or appointment in any particular country or place, or
- (f) was or was not at any specified time authorised to use or wear any decoration, badge or emblem,

shall, if it purports to be issued by or on behalf of the Defence Council or by a person authorised by them, be evidence of the matters stated in the document.

### **Service records**

70.—(1) A record purporting to be—

- (a) made in any service record in pursuance of any Act or of Queen's Regulations, or otherwise in pursuance of naval, military, or air force duty, and
- (b) signed by the commanding officer of the person to whom the record relates or by a person whose duty it was to make or keep the record,

shall be evidence of the matters stated in the record.

(2) A document purporting to be a copy of such a record (including the signature) as is mentioned in paragraph (1) and purporting to be certified to be a true copy by a person stated in the certificate to have custody of the record shall be evidence of the matters stated in the document.

### **Defence Council instructions, regulations and certificates**

71.—(1) A document purporting to be issued by order of the Defence Council and to contain instructions or regulations given or made by the Defence Council shall be evidence of the giving of the instructions or the making of the regulations and their contents.

(2) A certificate purporting to be issued by or on behalf of the Defence Council or by a person authorised by them and stating—

- (a) that a decoration of a description specified in, or as annexed to, the certificate is or is not a naval, military or air force decoration, or
- (b) that a badge or emblem of a description specified in, or as annexed to, the certificate is or is not one supplied or authorised by the Defence Council,

shall be evidence of the matters stated in the certificate.

### **Standing or routine orders**

72.—(1) A certificate purporting to be signed by a person's commanding officer or an officer authorised by the commanding officer to give the certificate, and stating the contents of, or of any part of, standing orders, or other routine orders of a continuing nature, of any of Her Majesty's forces, made for any—

- (a) part of Her Majesty's forces,
- (b) area or place, or
- (c) ship, train or aircraft,

shall be evidence of the matters stated in the certificate.