

Evidence (Proof of Offences) Bill

EXPLANATORY MEMORANDUM

Clause 1 provides that the Act's purpose is to allow a finding of guilt by a court to be admissible in civil proceedings whether or not the person is a party to the proceeding as tending to prove the facts on which the finding was based.

Clause 2 provides that sections 1 and 2 come into operation with the Royal Assent and that the remaining provisions come into operation on 1 January 1994.

Clause 3 inserts new sections 90 and 91 into the **Evidence Act 1958**.

The new section 90 provides that in civil proceedings other than for libel or slander the fact that the person has been found guilty of an offence is admissible in evidence for the purpose of proving that the person committed the offence. The person found guilty need not be a party to civil proceedings and it is irrelevant whether the person pleaded guilty to the offence.

The new section 91 provides that in libel or slander proceedings in which the commission of a criminal offence is relevant, proof that the person has been convicted or found guilty of the offence is conclusive evidence that the person committed that offence.

Clause 4 provides that the amendments made by section 3 will apply to civil proceedings commenced on or after 1 January 1994.

