

Admissibility of previous court proceedings

26(1) In this section,

- (a) “conviction” means a conviction
 - (i) that is not subject to appeal or further appeal, or
 - (ii) in respect of which no appeal is taken;
- (b) “finding of guilt” means the plea of guilty by an accused to an offence or the finding that an accused is guilty of an offence made before or by a court that makes an order directing that the accused be discharged for the offence either absolutely or on the conditions prescribed in a probation order, when
 - (i) the order directing the discharge is not subject to further appeal, or
 - (ii) no appeal is taken in respect of the order directing the discharge,and “found guilty” has a corresponding meaning.

(2) When

- (a) a person has been convicted of or is found guilty of an offence anywhere in Canada, and
- (b) the commission of that offence is relevant to an issue in an action,

then, whether or not that person is a party to the action, proof of the conviction or the finding of guilt, as the case may be, is admissible in evidence for the purpose of proving that the person committed the offence.

(3) A certificate containing the substance and effect only, omitting the formal part, of the charge and of the conviction or finding of guilt, as the case may be, purporting to be signed by

- (a) the officer having the custody of the records of the court in which the offender was convicted or found guilty, or
- (b) the deputy of the officer,

is, on proof of the identity of a person as the offender, sufficient evidence of the conviction of that person or the finding of guilt against that person, without proof of the signature or official character of the person appearing to have signed the certificate.

(4) When proof of the conviction or finding of guilt of a person is tendered in evidence pursuant to subsection (2) in an action for defamation, the conviction of that person or the finding of guilt against that person is conclusive proof that the person committed the offence.

(5) When proof of a conviction or a finding of guilt is admitted in evidence under this section, the contents of the information, complaint or indictment relating to the offence of which the person was convicted or found guilty is admissible in evidence.

(6) Subject to subsection (4), the weight to be given the conviction or finding of guilt shall be determined by the judge or jury, as the case may be.