
STATUTORY INSTRUMENTS

1997 No. 2983

The Civil Evidence (Northern Ireland) Order 1997

Introductory

Title and commencement

1.—(1) This Order may be cited as the Civil Evidence (Northern Ireland) Order 1997.

(2) This Order shall come into operation on such day or days as the Secretary of State may by order appoint.

(3) An order under paragraph (2) may contain such transitional provisions as appear to the Secretary of State to be appropriate; and subject to any such transitional provision, no provision of this Order shall apply in relation to any proceedings begun before the coming into operation of that provision.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“document” means anything in which information of any description is recorded, and “copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“hearsay” shall be construed in accordance with Article 3(3);

“oral evidence” includes evidence which, by reason of a defect of speech or hearing, a person called as a witness gives in writing or by signs;

“the original statement”, in relation to hearsay evidence, means the underlying statement (if any) by—

(a) in the case of evidence of fact, a person having personal knowledge of that fact, or

(b) in the case of evidence of opinion, the person whose opinion it is;

“statement” means any representation of fact or opinion, however made;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) In this Order “civil proceedings” means civil proceedings, before any court or other tribunal, in relation to which the strict rules of evidence apply.

(4) In the following provisions of this Order—

“court” means any such court or tribunal as is referred to in paragraph (3);

“rules of court” means rules regulating the practice and procedure of such a court or tribunal.