



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART VIII

#### RULES OF LAW IN JUDICIAL MATTERS GENERALLY

#### **[<sup>F1</sup>94A Withdrawal of privilege against incrimination of self or spouse in certain proceedings.**

- (1) In any proceedings to which this subsection applies a person shall not be excused, by reason that to do so would tend to expose that person, or his or her spouse [<sup>F2</sup>or civil partner], to proceedings for a related offence or for the recovery of a related penalty—
  - (a) from answering any question put to that person in the first-mentioned proceedings; or
  - (b) from complying with an order made in those proceedings.
- (2) Subsection (1) applies to the following civil proceedings in the High Court, namely—
  - (a) proceedings for infringement of rights pertaining to any intellectual property or for passing off;
  - (b) proceedings brought to obtain disclosure of information relating to any infringement of such rights or to any passing off; and
  - (c) proceedings brought to prevent any apprehended infringement of such rights or any apprehended passing off.
- (3) Subject to subsection (4), no statement or admission made by a person—
  - (a) in answering a question put to him in any proceedings to which subsection (1) applies; or
  - (b) in complying with any order made in any such proceedings,shall, in proceedings for any related offence or for the recovery of any related penalty, be admissible in evidence against that person or (unless they [<sup>F3</sup>married or became civil partners after the making of the statement or admission) against the spouse or civil partner] of that person.

*Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 94A is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) Nothing in subsection (3) shall render any statement or admission made by a person as there mentioned inadmissible in evidence against that person in proceedings for perjury or contempt of court.
- (5) In this section—
- “intellectual property” means any patent, trade mark, copyright [<sup>F4</sup>or design right], registered design, technical or commercial information or other intellectual property;
- “related offence”, in relation to any proceedings to which subsection (1) applies, means—
- (a) in the case of proceedings within subsection (2)(a) or (b)—
- (i) any offence committed by or in the course of the infringement or passing off to which those proceedings relate; or
- (ii) any offence not within sub-paragraph (i) committed in connection with that infringement or passing off, being an offence involving fraud or dishonesty;
- (b) in the case of proceedings within subsection (2)(c), any offence revealed by the facts on which the plaintiff relies in those proceedings;
- “related penalty”, in relation to any proceedings to which subsection (1) applies, means—
- (a) in the case of proceedings within sub-section (2)(a) or (b), any penalty incurred in respect of anything done or omitted in connection with the infringement or passing off to which those proceedings relate;
- (b) in the case of proceedings within sub-section (2)(c) any penalty incurred in respect of any act or omission revealed by the facts on which the plaintiff relies in those proceedings.
- (6) Any reference in this section to civil proceedings in the High Court of any description includes a reference to proceedings on appeal arising out of civil proceedings in the High Court of that description.]

#### Textual Amendments

- F1** S. 94A inserted by [Administration of Justice Act 1982 \(c. 53, SIF 38\)](#), **Sch. 8 para. 11**
- F2** Words in s. 94A(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(3), 263(10)(d), **Sch. 29 para. 26(2)**; S.I. 2005/3255, **art. 2(2)**
- F3** Words in s. 94A(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(3), 263(10)(d), **Sch. 29 para. 26(3)**; S.I. 2005/3255, **art. 2(2)**
- F4** Words inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(1), **Sch. 7 para. 25**

#### Modifications etc. (not altering text)

- C1** S. 94A extended by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), **ss. 296(6)(b)**, 298(4)
- C2** S. 94A applied (28.5.2000) by [1988 c. 48, s. 298\(4\)](#) (as substituted (28.5.2000) by S.I. 2000/1175, **reg. 2(3)**)
- C3** S. 94A applied (31.10.2003) by [Copyright, Designs and Patents Act 1988 \(c. 48\)](#), ss. 296(7), 296ZA(5), 296ZD(6) (as inserted by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 24(1)** (with regs. 31-40))
- C4** S. 94A applied (31.10.2003) by [Copyright, Designs and Patents Act 1988 \(c. 48\)](#), **s. 296ZG(6)** (as inserted by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 25** (with regs. 31-40))

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- C5** S. 94A(5) amended (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 1(2)**; S.I. 1994/2550, **art. 2**
- C6** S. 94A(5) extended by Patents, Designs and Marks Act 1986 (c. 39, SIF 67A), s. 2, **Sch. 2 para. 1(2)(h)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)