



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Jurisdiction and procedure etc.

96 Evidence given by, or with respect to, children.

- (1) Subsection (2) applies where a child who is called as a witness in any civil proceedings does not, in the opinion of the court, understand the nature of an oath.
- (2) The child's evidence may be heard by the court if, in its opinion—
 - (a) he understands that it is his duty to speak the truth; and
 - (b) he has sufficient understanding to justify his evidence being heard.
- (3) The Lord Chancellor may [^{F1}, with the concurrence of the Lord Chief Justice,] by order make provision for the admissibility of evidence which would otherwise be inadmissible under any rule of law relating to hearsay.
- (4) An order under subsection (3) may only be made with respect to—
 - (a) civil proceedings in general or such civil proceedings, or class of civil proceedings, as may be prescribed; and
 - (b) evidence in connection with the upbringing, maintenance or welfare of a child.
- (5) An order under subsection (3)—
 - (a) may, in particular, provide for the admissibility of statements which are made orally or in a prescribed form or which are recorded by any prescribed method of recording;
 - (b) may make different provision for different purposes and in relation to different descriptions of court; and
 - (c) may make such amendments and repeals in any enactment relating to evidence (other than in this Act) as the Lord Chancellor considers necessary or expedient in consequence of the provision made by the order.

Changes to legislation: Children Act 1989, Section 96 is up to date with all changes known to be in force on or before 19 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

(6) Subsection (5)(b) is without prejudice to section 104(4).

(7) In this section—

[^{F2} “ civil proceedings ” means civil proceedings, before any tribunal, in relation to which the strict rules of evidence apply, whether as a matter of law or by agreement of the parties, and references to “ the court ” shall be construed accordingly;]

“prescribed” means prescribed by an order under subsection (3).

Textual Amendments

- F1** Words in s. 96(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15\(1\), Sch. 4 para. 207](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(r\)](#)
- F2** Definition in s. 96(7) substituted (31.1.1997) by [1995 c. 38, s. 15\(1\), Sch. 1 para.16](#)(with ss. 1(3), 6(4) (5), 14); [S.I. 1996/3217, art.2](#)

Commencement Information

- I1** S. 96 wholly in force at 14.10.1991; s. 96(3)-(7) in force at 16.11.1989 see s. 108(2); s. 96(1)(2) in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

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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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)