



Civil Evidence Act 1995

1995 CHAPTER 38

Safeguards in relation to hearsay evidence

2 Notice of proposal to adduce hearsay evidence.

- (1) A party proposing to adduce hearsay evidence in civil proceedings shall, subject to the following provisions of this section, give to the other party or parties to the proceedings—
 - (a) such notice (if any) of that fact, and
 - (b) on request, such particulars of or relating to the evidence,as is reasonable and practicable in the circumstances for the purpose of enabling him or them to deal with any matters arising from its being hearsay.
- (2) Provision may be made by rules of court—
 - (a) specifying classes of proceedings or evidence in relation to which subsection (1) does not apply, and
 - (b) as to the manner in which (including the time within which) the duties imposed by that subsection are to be complied with in the cases where it does apply.
- (3) Subsection (1) may also be excluded by agreement of the parties; and compliance with the duty to give notice may in any case be waived by the person to whom notice is required to be given.
- (4) A failure to comply with subsection (1), or with rules under subsection (2)(b), does not affect the admissibility of the evidence but may be taken into account by the court—
 - (a) in considering the exercise of its powers with respect to the course of proceedings and costs, and
 - (b) as a matter adversely affecting the weight to be given to the evidence in accordance with section 4.

Modifications etc. (not altering text)

- C1** S. 2 applied (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), **ss. 46(2)**, 458(1); S.I. 2003/333, **art. 2(1)**, **Sch.** (subject to **arts. 3-14** (as amended (6.3.2003) by S.I. 2003/531, **arts. 3, 4**))

Status: Point in time view as at 31/01/1997. This version of this provision has been superseded.

Changes to legislation: Civil Evidence Act 1995, Section 2 is up to date with all changes known to be in force on or before 07 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)

- C2** S. 2 applied (31.12.2005) by S.I. 2005/3180, **art. 10(2)**
- C3** S. 2 applied (1.1.2006) by S.I. 2005/3181, **art. 13(2)(5)**
- C4** Ss. 2-4 applied by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 47Q(2) (as inserted (22.11.2014 for specified purposes, 1.6.2015 in so far as not already in force) by Policing and Crime Act 2009 (c. 26), ss. 55(2), 116(1); S.I. 2014/3101, art. 3; S.I. 2015/983, art. 2(2)(a))
- C5** S. 2(1) excluded (24.3.2003) by S.I. 2003/421, **rule 39**

Status:

Point in time view as at 31/01/1997. This version of this provision has been superseded.

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