



# 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**))

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**Changes to legislation:** There are currently no known outstanding effects for the Civil Evidence Act 1995, Section 2. (See end of Document for details)

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- 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**
- C6** S. 2(1) excluded (5.4.2010) by [The Criminal Procedure Rules 2010](#) (S.I. 2010/60), **rule 61.8**
- C7** S. 2(1) excluded (6.4.2011) by [The Family Procedure Rules 2010](#) (S.I. 2010/2955), **rule 23.3**
- C8** S. 2(1) disapplied (30.6.2011) by [The Magistrates Courts \(Domestic Violence Protection Order Proceedings\) Rules 2011](#) (S.I. 2011/1434), rules 1, 4
- C9** S. 2(1) excluded (3.10.2011) by [The Criminal Procedure Rules 2011](#) (S.I. 2011/1709), **rule 61.8**
- C10** S. 2(1) excluded (1.10.2012) by [The Criminal Procedure Rules 2012](#) (S.I. 2012/1726), **rule 61.8**
- C11** S. 2(1) excluded (7.10.2013) by [The Criminal Procedure Rules 2013](#) (S.I. 2013/1554), **rule 61.08** (with [rule 2.1](#))
- C12** S. 2(1) excluded (6.10.2014) by [The Criminal Procedure Rules 2014](#) (S.I. 2014/1610), **rule 61.8** (with [rule. 2.1](#))
- C13** S. 2(1) excluded (5.10.2015) by [The Criminal Procedure Rules 2015](#) (S.I. 2015/1490), **rule 33.39**
- C14** S. 2(1) excluded (5.10.2020) by [The Criminal Procedure Rules 2020](#) (S.I. 2020/759), **rule 33.39**
- C15** [S. 2\(1\)](#) excluded (8.4.2024) by S.I. 1982/1109, **rule 11C** (as substituted by [The Crown Court \(Amendment\) Rules 2024](#) (S.I. 2024/259), rules 1(2), **2(8)**)
- C16** [S. 2\(1\)](#) excluded (8.4.2024) by S.I. 1981/552, **rule 23** (as inserted by [The Magistrates' Courts \(Amendment\) Rules 2024](#) (S.I. 2024/254), rules 1(2), **2(6)**)

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