



Evidence (Scotland) Act 1853

1853 CHAPTER 20 16 and 17 Vict

3 As to examination of witnesses, whether named in the record or not.

It shall be competent to adduce and examine as a witness in any action or proceeding in Scotland any party to such action or proceeding, or the husband or wife of any party, whether he or she shall be individually named in the record or proceeding or not; but nothing herein contained shall render any person, or the husband or wife of any person, who in any criminal proceeding is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, his wife or her husband, excepting in so far as the same may be at present competent by the law and practice of Scotland, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any proceeding render any husband competent or compellable to give against his wife evidence of any matter communicated by her to him during the marriage, or any wife competent or compellable to give against her husband evidence of any matter communicated by him to her during the marriage.

Modifications etc. (not altering text)

- C1 S. 3 applied (1.7.1992) by [Social Security Administration Act 1992 \(c. 5\), ss. 59\(4\)\(b\), 192\(4\)](#)
S. 3 extended (8.9.1998, 15.7.1999, 6.10.1999, 5.10.1999 for certain purposes) by [1998 c. 14, s. 16\(5\)\(b\)](#); [S.I. 1998/2209](#) art. 2(a), Sch. Pt. I; [S.I. 1999/1958](#), art. 2, [Sch. 1](#); [S.I. 1999/2422](#), art. 2, [Sch. 1](#) (subject to transitional provisions in [Sch. 14](#)); [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (subject to transitional provisions in [Sch. 2](#))

Changes to legislation:

There are currently no known outstanding effects for the Evidence (Scotland) Act 1853, Section 3.