



Criminal Evidence Act 1898

1898 CHAPTER 36 61 and 62 Vict

1 Competency of witnesses in criminal cases.

[^{F1}Every person charged with an offence, [^{F2}and the wife or husband, as the case may be, of the person so charged], shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person. Provided as follows:—]

[^{F3}(1)] A person [^{F4}charged in criminal proceedings] shall not be called as a witness [^{F4}in the proceedings] except upon his own application:

^{F5}(b)

[^{F6}(c)] The wife or husband of the person charged shall not, save as in this Act mentioned, be called as a witness in pursuance of this Act except upon the application of the person so charged:]

[^{F7}(d)] Nothing in this Act shall make a husband compellable to disclose any communication made to him by his wife during the marriage, or a wife compellable to disclose any communication made to her by her husband during the marriage:]

[^{F3}(2)] [^{F8}Subject to section 101 of the Criminal Justice Act 2003 (admissibility of evidence of defendant's bad character),] a person charged [^{F9}in criminal proceedings who is called as a witness in the proceedings] may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to [^{F9}any offence with which he is charged in the proceedings]:

[^{F3}(3)] [^{F10}A person charged [^{F11}in criminal proceedings who is called as a witness in the proceedings] shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than [^{F11}one with which] he is then charged, or is of bad character, unless—

(i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of [^{F11}an offence with which] he is then charged; or

(ii) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the

Changes to legislation: There are currently no known outstanding effects for the Criminal Evidence Act 1898, Section 1. (See end of Document for details)

prosecutor or the witnesses for the prosecution; or [^{F12}the deceased victim of the alleged crime; or]

(iii) he has given evidence against any other person charged [^{F13}in the same proceedings]:]

[^{F3}(4)] Every person [^{F14}charged in criminal proceedings who is called as a witness in the proceedings] shall, unless otherwise ordered by the court, give his evidence from the witness box or other place from which the other witnesses give their evidence:

(h) ^{F15}

Textual Amendments

- F1** Words in s. 1 repealed (24.7.2002 (E.W.) and otherwise *prosp.*) by 1999 c. 23, ss. 67, 68, Sch. 4 para. 1(2), Sch. 6 (with Sch. 7 paras. 3(3), **5(2)**); S.I. 2002/1739, **art. 2(f)(g)(i)**
- F2** Words repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, **Sch. 7 Pt. V**
- F3** S. 1: paras. (a)(e)(f)(g) renumbered as s. 1(1)-(4) respectively (24.7.2002 (E.W.) and otherwise *prosp.*) by 1999 c. 23, ss. 67, 68, Sch. 4 para. 1(7) (with Sch. 7 paras. 3(3), **5(2)**); S.I. 2002/1739, **art. 2(f)(g)(i)**
- F4** Words in s. 1(a) substituted (24.7.2002 (E.W.) and otherwise *prosp.*) by 1999 c. 23, ss. 67, 68, Sch. 4 para. 1(3) (with Sch. 7 paras. 3(3), **5(2)**); S.I. 2002/1739, **art. 2(f)(g)(i)**
- F5** S. 1 proviso (b) repealed (10.4.1995) by 1994 c. 33, s. 168(2)(3), Sch. 10 para. 2, **Sch. 11**; S.I. 1995/721, art. 2, **Sch.**
- F6** S. 1(c) repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, **Sch. 7 Pt. V**
- F7** S. 1(d) repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), ss. 80(9), 82(3), 119, **Sch. 7 Pt. V**
- F8** Words in s. 1(2) inserted (E.W.) (15.12.2004) by Criminal Justice Act 2003 (c. 44), ss. 331, 336, **Sch. 36 para. 80(a)**; S.I. 2004/3033, **art. 3**
- F9** Words in s. 1(e) substituted (24.7.2002 (E.W.) and otherwise *prosp.*) by 1999 c. 23, ss. 67, 68, Sch. 4 para. 1(4) (with Sch. 7 paras. 3(3), **5(2)**); S.I. 2002/1739, **art. 2(f)(g)(i)**
- F10** S. 1(3) repealed (E.W.) (15.12.2004) by Criminal Justice Act 2003 (c. 44), ss. 331, 332, 336, Sch. 36 para. 80(b), **Sch. 37**; S.I. 2004/3033, **art. 3**
- F11** Words in s. 1(f) substituted (24.7.2002 (E.W.) and otherwise *prosp.*) by 1999 c. 23, ss. 67, 68, Sch. 4 para. 1(5) (with Sch. 7 paras. 3(3), **5(2)**); S.I. 2002/1739, **art. 2(f)(g)(i)**
- F12** Words in a. 1(f)(ii) inserted (E.W.) (3.2.1995) by 1994 c. 33, **s. 31**; S.I. 1995/127, art. 2(1), **Sch. 1** (subject to the transitional provisions in Sch. 2 para. 2 of the said S.I.)
- F13** Words substituted by Criminal Evidence Act 1979 (c. 16, SIF 47), **s. 1(1)** (subject to a saving in s. 1(2))
- F14** Words in s. 1(g) substituted (24.7.2002 (E.W.) and otherwise *prosp.*) by 1999 c. 23, ss. 67, 68, Sch. 4 para. 1(6) (with Sch. 7 paras. 3(3), **5(2)**); S.I. 2002/1739, **art. 2(f)(g)(i)**
- F15** S. 1(h) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 78, **Sch. 16**

Modifications etc. (not altering text)

- C1** S. 1 excluded (E.W.) by Children and Young Persons Act 1963 (c. 37), **s. 16(2)**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Evidence Act 1898, Section 1.