
STATUTORY INSTRUMENTS

1997 No. 2983

The Civil Evidence (Northern Ireland) Order 1997

Previous statements of witnesses

Previous statements of witnesses

7.—(1) Subject as follows, the provisions of this Order as to hearsay evidence in civil proceedings apply equally (but with any necessary modifications) in relation to a previous statement made by a person called as a witness in the proceedings.

(2) A party who has called a person as a witness in civil proceedings may not in those proceedings adduce evidence of a previous statement made by that person, except—

- (a) with the leave of the court; or
- (b) for the purpose of rebutting a suggestion that his evidence has been fabricated.

(3) Without prejudice to any provision made by rules of court by virtue of Article 4(1), where in the case of civil proceedings section 3,4 or 5 of the Criminal Procedure Act 1865 applies, which make provision as to—

- (a) how far a witness may be discredited by the party producing him,
- (b) the proof of contradictory statements made by a witness, and
- (c) cross-examination as to previous statements in writing,

this Order does not authorise the adducing of evidence of a previous inconsistent or contradictory statement otherwise than in accordance with those sections.

(4) Where evidence of a previous statement is adduced as mentioned in paragraph (2) or (3), the statement shall be admissible as evidence of the matters stated.

(5) Nothing in this Order affects any of the rules of law as to the circumstances in which, where a person called as a witness in civil proceedings is cross-examined on a document used by him to refresh his memory, that document may be made evidence in the proceedings.