



Civil Evidence Act 1968

1968 CHAPTER 64

PART II **E+W**

MISCELLANEOUS AND GENERAL

Privilege

16 Abolition of certain privileges. **E+W**

- (1) The following rules of law are hereby abrogated except in relation to criminal proceedings, that is to say—
 - (a) the rule whereby, in any legal proceedings, a person cannot be compelled to answer any question or produce any document or thing if to do so would tend to expose him to a forfeiture; and
 - (b) the rule whereby, in any legal proceedings, a person other than a party to the proceedings cannot be compelled to produce any deed or other document relating to his title to any land.
- (2) The rule of law whereby, in any civil proceedings, a party to the proceedings cannot be compelled to produce any document relating solely to his own case and in no way tending to impeach that case or support the case of any opposing party is hereby abrogated.
- (3) Section 3 of the Evidence (Amendment) Act 1853 ^{M1} (which provides that a husband or wife shall not be compellable to disclose any communication made to him or her by his or her spouse during the marriage) shall cease to have effect except in relation to criminal proceedings.
- (4) In section 43(1) of the Matrimonial Causes Act 1965 ^{M2} (under which the evidence of a husband or wife is admissible in any proceedings to prove that marital intercourse did or did not take place between them at any period, but a husband or wife is not compellable in any proceedings to give evidence of the matters aforesaid), the words from “but a husband or wife” to the end of the subsection shall cease to have effect except in relation to criminal proceedings.

Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act 1968, Section 16. (See end of Document for details)

- (5) A witness in any proceedings instituted in consequence of adultery, whether a party to the proceedings or not, shall not be excused from answering any question by reason that it tends to show that he or she has been guilty of adultery; and accordingly the proviso to section 3 of the ^{M3}Evidence Further Amendment Act 1869 and, in section 43(2) of the ^{M4}Matrimonial Causes Act 1965, the words from “but ” to the end of the subsection shall cease to have effect.

Modifications etc. (not altering text)

- C1** The text of s. 16(3)(4), 20(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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Marginal Citations

- M1** 1853 c. 83
M2 1965 c. 72
M3 1869 c. 68.
M4 1965 c. 72.

Changes to legislation:

There are currently no known outstanding effects for the Civil Evidence Act 1968, Section 16.