



# Evidence (Proceedings in Other Jurisdictions) Act 1975

## 1975 CHAPTER 34

### *Evidence for civil proceedings*

#### **3 Privilege of witnesses.**

- (1) A person shall not be compelled by virtue of an order under section 2 above to give any evidence which he could not be compelled to give—
  - (a) in civil proceedings in the part of the United Kingdom in which the court that made the order exercises jurisdiction; or
  - (b) subject to subsection (2) below, in civil proceedings in the country or territory in which the requesting court exercises jurisdiction.
- (2) Subsection (1)(b) above shall not apply unless the claim of the person in question to be exempt from giving the evidence is either—
  - (a) supported by a statement contained in the request (whether it is so supported unconditionally or subject to conditions that are fulfilled); or
  - (b) conceded by the applicant for the order;and where such a claim made by any person is not supported or conceded as aforesaid he may (subject to the other provisions of this section) be required to give the evidence to which the claim relates but that evidence shall not be transmitted to the requesting court if that court, on the matter being referred to it, upholds the claim.
- (3) Without prejudice to subsection (1) above, a person shall not be compelled by virtue of an order under section 2 above to give any evidence if his doing so would be prejudicial to the security of the United Kingdom; and a certificate signed by or on behalf of the Secretary of State to the effect that it would be so prejudicial for that person to do so shall be conclusive evidence of that fact.
- (4) In this section references to giving evidence include references to answering any question and to producing any document and the reference in subsection (2) above to the transmission of evidence given by a person shall be construed accordingly.

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**Changes to legislation:** There are currently no known outstanding effects for the Evidence (Proceedings in Other Jurisdictions) Act 1975, Section 3. (See end of Document for details)

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**Modifications etc. (not altering text)**

**C1** S. 3 extended by S.I. 1976/428, **art. 2** and Patents Act 1977 (c. 37) s. 92(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Evidence (Proceedings in Other Jurisdictions) Act 1975, Section 3.