



# Children Act 1989

## 1989 CHAPTER 41

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Jurisdiction and procedure etc.*

#### **96 Evidence given by, or with respect to, children**

- (1) Subsection (2) applies where a child who is called as a witness in any civil proceedings does not, in the opinion of the court, understand the nature of an oath.
- (2) The child's evidence may be heard by the court if, in its opinion—
  - (a) he understands that it is his duty to speak the truth; and
  - (b) he has sufficient understanding to justify his evidence being heard.
- (3) The Lord Chancellor may by order make provision for the admissibility of evidence which would otherwise be inadmissible under any rule of law relating to hearsay.
- (4) An order under subsection (3) may only be made with respect to—
  - (a) civil proceedings in general or such civil proceedings, or class of civil proceedings, as may be prescribed; and
  - (b) evidence in connection with the upbringing, maintenance or welfare of a child.
- (5) An order under subsection (3)—
  - (a) may, in particular, provide for the admissibility of statements which are made orally or in a prescribed form or which are recorded by any prescribed method of recording;
  - (b) may make different provision for different purposes and in relation to different descriptions of court; and
  - (c) may make such amendments and repeals in any enactment relating to evidence (other than in this Act) as the Lord Chancellor considers necessary or expedient in consequence of the provision made by the order.

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*Status: This is the original version (as it was originally enacted).*

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(6) Subsection (5)(b) is without prejudice to section 104(4).

(7) In this section—

“civil proceedings” and “court” have the same meaning as they have in the Civil Evidence Act 1968 by virtue of section 18 of that Act; and

“prescribed” means prescribed by an order under subsection (3).