



# Civil Evidence Act 1995

## 1995 CHAPTER 38

### *General*

#### **11 Meaning of “civil proceedings”.**

In this Act “civil proceedings” means civil proceedings, before any tribunal, in relation to which the strict rules of evidence apply, whether as a matter of law or by agreement of the parties.

References to “the court” and “rules of court” shall be construed accordingly.

#### **12 Provisions as to rules of court.**

- (1) Any power to make rules of court regulating the practice or procedure of the court in relation to civil proceedings includes power to make such provision as may be necessary or expedient for carrying into effect the provisions of this Act.
- (2) Any rules of court made for the purposes of this Act as it applies in relation to proceedings in the High Court apply, except in so far as their operation is excluded by agreement, to arbitration proceedings to which this Act applies, subject to such modifications as may be appropriate.

Any question arising as to what modifications are appropriate shall be determined, in default of agreement, by the arbitrator or umpire, as the case may be.

#### **13 Interpretation.**

In this Act—

“civil proceedings” has the meaning given by section 11 and “court” and “rules of court” shall be construed in accordance with that section;

“document” means anything in which information of any description is recorded, and “copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“hearsay” shall be construed in accordance with section 1(2);

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“oral evidence” includes evidence which, by reason of a defect of speech or hearing, a person called as a witness gives in writing or by signs;

“the original statement”, in relation to hearsay evidence, means the underlying statement (if any) by—

- (a) in the case of evidence of fact, a person having personal knowledge of that fact, or
  - (b) in the case of evidence of opinion, the person whose opinion it is; and
- “statement” means any representation of fact or opinion, however made.

## 14 Savings.

- (1) Nothing in this Act affects the exclusion of evidence on grounds other than that it is hearsay.

This applies whether the evidence falls to be excluded in pursuance of any enactment or rule of law, for failure to comply with rules of court or an order of the court, or otherwise.

- (2) Nothing in this Act affects the proof of documents by means other than those specified in section 8 or 9.

- (3) Nothing in this Act affects the operation of the following enactments—

- (a) section 2 of the <sup>M1</sup>Documentary Evidence Act 1868 (mode of proving certain official documents);
- (b) section 2 of the <sup>M2</sup>Documentary Evidence Act 1882 (documents printed under the superintendence of Stationery Office);
- (c) section 1 of the <sup>M3</sup>Evidence (Colonial Statutes) Act 1907 (proof of statutes of certain legislatures);
- (d) section 1 of the <sup>M4</sup>Evidence (Foreign, Dominion and Colonial Documents) Act 1933 (proof and effect of registers and official certificates of certain countries);
- (e) section 5 of the <sup>M5</sup>Oaths and Evidence (Overseas Authorities and Countries) Act 1963 (provision in respect of public registers of other countries).

### Marginal Citations

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| <b>M1</b> | 1868 c. 37. |
| <b>M2</b> | 1882 c. 9.  |
| <b>M3</b> | 1907 c. 16. |
| <b>M4</b> | 1933 c. 4.  |
| <b>M5</b> | 1963 c. 27. |

## 15 Consequential amendments and repeals.

- (1) The enactments specified in Schedule 1 are amended in accordance with that Schedule, the amendments being consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 2 are repealed to the extent specified.

## 16 Short title, commencement and extent.

- (1) This Act may be cited as the Civil Evidence Act 1995.

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(2) The provisions of this Act come into force on such day as the Lord Chancellor may appoint by order made by statutory instrument, and different days may be appointed for different provisions and for different purposes.

[<sup>F1</sup>(3) Subject to subsection (3A), the provisions of this Act shall not apply in relation to proceedings begun before commencement.]

[<sup>F2</sup>(3A) Transitional provisions for the application of the provisions of this Act to proceedings begun before commencement may be made by rules of court or practice directions.]

(4) This Act extends to England and Wales.

(5) Section 10 (admissibility and proof of Ogden Tables) also extends to Northern Ireland.

As it extends to Northern Ireland, the following shall be substituted for subsection (3) (b)—

“(b) “action for personal injury” includes an action brought by virtue of the <sup>M6</sup>Law Reform (Miscellaneous Provisions) (Northern Ireland) Act 1937 or the <sup>M7</sup>Fatal Accidents (Northern Ireland) Order 1977.”

(6) The provisions of Schedules 1 and 2 (consequential amendments and repeals) have the same extent as the enactments respectively amended or repealed.

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#### **Subordinate Legislation Made**

**P1** S. 16(2) power partly exercised: 31.1.1997 appointed for specified provisions by [S.I. 1996/3217, art. 2](#)

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#### **Textual Amendments**

**F1** S. 16(3) substituted (26.4.1999) by [S.I. 1999/1217, art. 4\(a\)](#)

**F2** S. 16(3A) inserted (26.4.1999) by [S.I. 1999/1217, art. 4\(b\)](#)

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#### **Commencement Information**

**I1** S. 16 partly in force; s. 16 not in force at Royal Assent see s. 16(2); s. 16 except for s. 16(5) in force at 31.1.1997 by [S.I. 1996/3217, art. 2](#)

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#### **Marginal Citations**

**M6** 1937 c. 9 (N.I.)

**M7** [S.I. 1977/1251 \(N.I. 18\)](#)

**Changes to legislation:**

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