



Sexual Offences Act 1956

1956 CHAPTER 69

PART I

OFFENCES, AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

Powers and procedure for dealing with offenders

39 Evidence of wife or husband of accused

- (1) Where this section applies, the wife or husband of the accused shall be competent to give evidence at every stage of the proceedings, whether for the defence or for the prosecution, and whether the accused is charged solely or jointly with any other person:

Provided that—

- (a) the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused ; and
- (b) the failure of the wife or husband of the accused to give evidence shall not be made the subject of any comment by the prosecution.
- (2) Subject to the following subsection, this section applies on a charge of any offence under this Act, except in so far as it is excluded in the case of section twelve (buggery), section fifteen (indecent assault on a man) and section sixteen (assault with intent to commit buggery).
- (3) This section shall not affect section one of the Criminal Evidence Act, 1898, or any case where the wife or husband of the accused may at common law be called as a witness without the consent of the accused.