



Civil Evidence (Scotland) Act 1988

1988 CHAPTER 32

2 Admissibility of hearsay.

- (1) In any civil proceedings—
 - (a) evidence shall not be excluded solely on the ground that it is hearsay;
 - (b) a statement made by a person otherwise than in the course of the proof shall be admissible as evidence of any matter contained in the statement of which direct oral evidence by that person would be admissible; and
 - (c) the court, or as the case may be the jury, if satisfied that any fact has been established by evidence in those proceedings, shall be entitled to find that fact proved by the evidence notwithstanding that the evidence is hearsay.
- (2) Nothing in this section shall affect the admissibility of any statement as evidence of the fact that the statement was made.
- (3) In paragraph (e) of section 5 of the Court of Session Act 1988 (power to make provision as regards the Court of Session for admission of written statements etc. in lieu of parole evidence), for the words “the admission in lieu of parole evidence of written statements (including affidavits) and reports, on such conditions as may be prescribed” there shall be substituted the words “written statements (including affidavits) and reports, admissible under section 2(1)(b) of the Civil Evidence (Scotland) Act 1988, to be received in evidence, on such conditions as may be prescribed, without being spoken to by a witness”.
- (4) For paragraph (e) of section 32(1) of the ^{M1}Sheriff Courts (Scotland) Act 1971 (corresponding power to make provision as regards the sheriff court) there shall be substituted the following paragraph—
 - “(e) providing in respect of any category of civil proceedings for written statements (including affidavits) and reports, admissible under section 2(1)(b) of the Civil Evidence (Scotland) Act 1988, to be received in evidence, on such conditions as may be prescribed, without being spoken to by a witness;”.

Changes to legislation: There are currently no known outstanding effects for the Civil Evidence (Scotland) Act 1988, Section 2. (See end of Document for details)

Marginal Citations

M1 1971 c. 58.

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