



Evidence Amendment Act 1853

1853 CHAPTER 83 16 and 17 Vict

An Act to amend an Act of the Fourteenth and Fifteenth Victoria, Chapter Ninety-nine. [20th August 1853]

Modifications etc. (not altering text)

C1 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)

1 Husbands and wives of parties to be admissible witnesses;

On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, the husbands and wives of the parties thereto, and of the persons in whose behalf any such suit, action, or other proceeding may be brought or instituted, or opposed or defended, shall, except as herein-after excepted, be competent and compellable to give evidence, either viva voce or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

2 except in criminal cases and in cases of adultery.

Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding,^{F1}

Textual Amendments

F1 Words repealed by [Evidence Further Amendment Act 1869 \(c. 68\), s. 1](#)

Changes to legislation: There are currently no known outstanding effects for the Evidence Amendment Act 1853. (See end of Document for details)

[^{F2} **Husbands and wives not compellable to disclose communications.**

No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.]

Textual Amendments

F2 S. 3 repealed, (N.I.) except in relation to criminal proceedings, by [Civil Evidence Act \(Northern Ireland\) 1971 \(c. 36\), s. 12\(3\)](#); repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, [Sch. 7 Pt. V](#)

4 ^{F3}

Textual Amendments

F3 Ss. 4, 6 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

5 Short title.

In citing this Act in other Acts of Parliament, or in any instrument, document, or proceeding, it shall be sufficient to use the expression, “The Evidence Amendment Act 1853.”

6 ^{F4}

Textual Amendments

F4 Ss. 4, 6 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Evidence Amendment Act 1853.