



# Civil Evidence Act (Northern Ireland) 1971

## 1971 CHAPTER 36

### PART II

#### MISCELLANEOUS AND GENERAL

##### GENERAL

#### 14 General interpretation, and savings.

(1) In this Act “civil proceedings” includes, in addition to civil proceedings in any of the ordinary courts of law—

(a) civil proceedings before any other tribunal, being proceedings in relation to which the strict rules of evidence apply; and

(b) an arbitration or reference, whether under statutory provisions or not,

but does not include civil proceedings in relation to which the strict rules of evidence do not apply.

(2) In this Act—

“court” does not include a [<sup>F1</sup>service court], and, in relation to an arbitration or reference, means the arbitrator or umpire and, in relation to proceedings before a tribunal (not being one of the ordinary courts of law), means the tribunal;

“legal proceedings” includes an arbitration or reference, whether under a statutory provision or not;

and for the avoidance of doubt it is hereby declared that in this Act, and in any amendment made by this Act in any other statutory provision, references to a person's [<sup>F2</sup>spouse or civil partner] do not include references to a person who is no longer married to [<sup>F3</sup>, or the civil partner of,] that person.

[<sup>F4</sup>(2A) In subsection (2) “service court” means the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court.]

*Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act (Northern Ireland) 1971, Section 14. (See end of Document for details)*

- [<sup>F5</sup>(3) In this Act “statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.]
- (4) Without prejudice to section 11 of the Interpretation Act (Northern Ireland) 1954, any reference in this Act to any other statutory provision is a reference thereto as applied by or under any other statutory provision.
- (5) Nothing in this Act shall prejudice the operation of any statutory provision which provides (in whatever words) that any answer or evidence given by a person in specified circumstances shall not be admissible in evidence against him or some other person in any proceedings or class of proceedings (however described). In this subsection the reference to giving evidence is a reference to giving evidence in any manner whether by furnishing information, making discovery, producing documents or otherwise.
- (6) Nothing in this Act shall prejudice—
- (a) any power of a court, in any legal proceedings, to exclude evidence (whether by preventing questions from being put or otherwise) at its discretion; or
  - (b) the operation of any agreement (whenever made) between the parties to any legal proceedings as to the evidence which is to be admissible (whether generally or for any particular purpose) in those proceedings.
- (7) It is hereby declared that where, by reason of any defect of speech or hearing from which he is suffering, a person called as a witness in any legal proceedings gives his evidence in writing or by signs, that evidence is to be treated for the purposes of this Act as being given orally.

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| <b>F1</b> | Words in s. 14(2) in definition of "court" substituted (28.3.2009 for specified purposes and otherwise 31.10.2009) by <a href="#">Armed Forces Act 2006 (c. 52)</a> , ss. 378(1), 383(2), <a href="#">Sch. 16 para. 61(a)</a> ; S.I. 2009/812, <a href="#">art. 3</a> (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, <a href="#">art. 4</a> |
| <b>F2</b> | Words in s. 14(2) substituted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <a href="#">129(3)(a)</a> (with regs. 6-9)  |
| <b>F3</b> | Words in s. 14(2) inserted (13.1.2020) by <a href="#">The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514)</a> , regs. 1(2), <a href="#">129(3)(b)</a> (with regs. 6-9)   |
| <b>F4</b> | S. 14(2A) inserted (28.3.2009 for specified purposes and otherwise 31.10.2009) by <a href="#">Armed Forces Act 2006 (c. 52)</a> , ss. 378(1), 383(2), <a href="#">Sch. 16 para. 61(b)</a> ; S.I. 2009/812, <a href="#">art. 3</a> (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, <a href="#">art. 4</a>                                     |
| <b>F5</b> | 1997 NI 21   |

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Evidence Act (Northern Ireland) 1971, Section 14.