



# Civil Evidence Act 1968

## 1968 CHAPTER 64

### PART II

#### MISCELLANEOUS AND GENERAL

##### *Convictions, etc. as evidence in civil proceedings*

## 12 Findings of adultery and paternity as evidence in civil proceedings.

(1) In any civil proceedings—

(a) the fact that a person has been found guilty of adultery in any matrimonial proceedings; and

[<sup>F1</sup>(b) the fact that a person has been found to be the father of a child in relevant proceedings before any court in England and Wales [<sup>F2</sup>or Northern Ireland] or has been adjudged to be the father of a child in affiliation proceedings before any court in the United Kingdom;]

shall (subject to subsection (3) below) be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those civil proceedings, that he committed the adultery to which the finding relates or, as the case may be, is (or was) the father of that child, whether or not he offered any defence to the allegation of adultery or paternity and whether or not he is a party to the civil proceedings; but no finding or adjudication other than a subsisting one shall be admissible in evidence by virtue of this section.

(2) In any civil proceedings in which by virtue of this section a person is proved to have been found guilty of adultery as mentioned in subsection (1)(a) above or [<sup>F3</sup>to have been found or adjudged] to be the father of a child as mentioned in subsection (1)(b) above—

(a) he shall be taken to have committed the adultery to which the finding relates or, as the case may be, to be (or have been) the father of that child, unless the contrary is proved; and

(b) without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the finding or adjudication was

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*Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act 1968, Section 12. (See end of Document for details)*

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based, the contents of any document which was before the court, or which contains any pronouncement of the court, in the [<sup>F3</sup>other proceedings] in question shall be admissible in evidence for that purpose.

(3) Nothing in this section shall prejudice the operation of any enactment whereby a finding of fact in any matrimonial or affiliation proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

(4) Subsection (4) of section 11 of this Act shall apply for the purposes of this section as if the reference to subsection (2) were a reference to subsection (2) of this section.

(5) In this section—

“matrimonial proceedings ” means any matrimonial cause in the High Court or [<sup>F4</sup> family] court in England and Wales or in the High Court in Northern Ireland, any consistorial action in Scotland, or any appeal arising out of any such cause or action;

[<sup>F5</sup> “ relevant proceedings ” means—

<sup>F6</sup>(a) .....  
(b) proceedings under the Children Act 1989;  
(c) proceedings which would have been relevant proceedings for the purposes of this section in the form in which it was in force before the passing of the Children Act 1989.]

<sup>F7</sup>(d) .....

[<sup>F8</sup>(e) proceedings which are relevant proceedings as defined in section 8(5) of the Civil Evidence Act (Northern Ireland) 1971

“ affiliation proceedings ” means, in relation to Scotland, any action of affiliation and aliment;

and in this subsection “ consistorial action ” does not include an action of aliment only between husband and wife raised in the Court of Session or an action of interim aliment raised in the sheriff court. ]

#### Textual Amendments

- F1** Words substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 29(1)(2), 33(2), [Sch. 3 paras. 1, 6](#)
- F2** Words in s.12(1)(b) inserted (4.11.1996) by [S.I. 1995/756, art. 6\(a\)](#); [S.R. 1996/297, art. 3](#)
- F3** Words substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 29(3), 33(2), [Sch. 3 paras. 1, 6](#)
- F4** Word in s. 12(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 17](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** Definition of “relevant proceedings” substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, [Sch. 16 para. 2\(1\)](#); [S.I. 1992/1883, art. 3, Sch.](#)
- F6** Words in s. 12(5) omitted (1.4.2015) by virtue of [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), [Sch. para. 15](#) (with arts. 1(3), 3)
- F7** S. 12(5)(d) repealed (1.4.2001) by [2000 c. 19, s. 85, Sch. 9 Pt. IX](#) (with s. 83(6)); [S.I. 2001/774, art. 2](#)
- F8** S. 12(5)(e) added (4.11.1996) by [S.I. 1995/756, art. 6\(b\)](#); [S.R. 1996/297, art. 3](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Evidence Act 1968, Section 12.