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STATUTORY INSTRUMENTS

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**1997 No. 2983**

**The Civil Evidence (Northern Ireland) Order 1997**

*Safeguards in relation to hearsay evidence*

**Considerations relevant to weighing of hearsay evidence**

5.—(1) In estimating the weight (if any) to be given to hearsay evidence in civil proceedings the court shall have regard to any circumstances from which any inference can reasonably be drawn as to the reliability or otherwise of the evidence.

(2) Regard shall be had, in particular, to whether the party by whom the hearsay evidence is adduced gave notice to the other party or parties to the proceedings of his intention to adduce the hearsay evidence and, if so, to the sufficiency of the notice given.

(3) Regard may also be had, in particular, to the following—

- (a) whether it would have been reasonable and practicable for the party by whom the evidence is adduced to have produced the maker of the original statement as a witness;
- (b) whether the original statement was made contemporaneously with the occurrence or existence of the matters stated;
- (c) whether the evidence involves multiple hearsay;
- (d) whether any person involved had any motive to conceal or misrepresent matters;
- (e) whether the original statement was an edited account, or was made in collaboration with another or for a particular purpose;
- (f) whether the circumstances in which the evidence is adduced as hearsay are such as to suggest an attempt to prevent proper evaluation of its weight.

**Modifications etc. (not altering text)**

C1 Art. 5 applied by 2002 c. 29, s. 195Q(2) (as inserted (1.3.2016) by [Policing and Crime Act 2009](#) (c. 26), [ss. 57\(2\)](#), 116(1); S.I. 2016/147, art. 3(b))

**Changes to legislation:**

The Civil Evidence (Northern Ireland) Order 1997, Section 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 7A-7G and cross-heading inserted by 2021 c. 2 \(N.I.\) s. 38](#)
- [art. 7H7I and cross-heading inserted by 2021 c. 2 \(N.I.\) s. 39](#)