



# Matrimonial Causes Act 1965

## 1965 CHAPTER 72

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **43 Evidence**

- (1) The evidence of a husband or wife shall be admissible in any proceedings to prove that marital intercourse did or did not take place between them during any period; but a husband or wife shall not be compellable in any proceedings to give evidence of the matters aforesaid.
- (2) The parties to any proceedings instituted in consequence" of adultery and the husbands and wives of the parties shall be competent to give evidence in the proceedings ; but no witness in any such proceedings, whether a party to the proceedings or not, shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery.
- (3) In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard in camera unless in any case the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court.