



Civil Evidence Act 1968

1968 CHAPTER 64

PART II

MISCELLANEOUS AND GENERAL

General

18 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 an enactment 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 [^{F1}service court]^{F1}, 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 an enactment 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 enactment, references to a person’s husband or wife do not include references to a person who is no longer married to that person.

- [^{F2}(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 1968, Cross Heading: General. (See end of Document for details)

^{F2}(3) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as applied, by or under any other enactment.

(4) Nothing in this Act shall prejudice the operation of any enactment 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.

(5) 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.

(6) 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.

Textual Amendments

F1 Words in [s. 18\(2\)](#) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 53\(a\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

F2 [S. 18\(2A\)](#) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 53\(b\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

19 ^{F3}

Textual Amendments

F3 [S. 19](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

20 Short title, repeals, extent and commencement.

- (1) This Act may be cited as the Civil Evidence Act 1968.
- (2) Sections 1, 2, 6(1) (except the words from “‘Proceedings’ ” to “‘references’ ”) and 6(2) (b) of the Evidence Act 1938 ^{MI} are hereby repealed.
- (3) This Act shall not extend to Scotland or, . . . ^{F4} to Northern Ireland.
- (4) The following provisions of this Act, namely sections 13 to 19, this section (except subsection (2)) and the Schedule, shall come into force on the day this Act is passed, and the other provisions of this Act shall come into force on such day as the Lord

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Chancellor may by order made by statutory instrument appoint; and different days may be so appointed for different purposes of this Act or for the same purposes in relation to different courts or proceedings or otherwise in relation to different circumstances.

Textual Amendments

F4 Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

- C1** The text of s. 16(3)(4), 20(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C2** Power of appointment conferred by s. 20(4) partly exercised: [S.I. 1968/1734](#), 1969/1104 and 1970/18
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Marginal Citations

M1 [1938 c. 28](#)

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