



Matrimonial and Family Proceedings Act 1984

1984 CHAPTER 42

[^{F1}PART 4A

THE FAMILY COURT]

[^{F1}31G Witnesses and evidence

- (1) Subsection (2) applies where the family court is satisfied that a person in England and Wales is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, in proceedings in the court.
- (2) The court may, if it is satisfied that it is in the interests of justice to do so, issue a summons—
 - (a) requiring the person to attend before the court, at the time and place specified in the summons, to give evidence,
 - (b) requiring the person to attend before the court, at the time and place specified in the summons, to produce the document or thing, or
 - (c) requiring the person to produce the document or thing to the court.
- (3) Subsection (4) applies where without just excuse—
 - (a) a person fails to attend before the court in answer to a summons under subsection (2)(a) or (b),
 - (b) a person fails to produce a document or thing in answer to a summons under subsection (2)(b) or (c), or
 - (c) a person attending before the court, whether or not in answer to a summons under subsection (2), refuses to be sworn or give evidence.
- (4) The court may—
 - (a) commit the person to custody until the expiry of a period not exceeding one month specified by the court or until the person sooner gives evidence or produces the document or thing, or

Changes to legislation: There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Section 31G. (See end of Document for details)

- (b) impose on the person a fine not exceeding £2,500, or
 - (c) both.
- (5) A fine imposed under subsection (4) is deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction of a magistrates' court.
- (6) Where in any proceedings in the family court it appears to the court that any party to the proceedings who is not legally represented is unable to examine or cross-examine a witness effectively, the court is to—
- (a) ascertain from that party the matters about which the witness may be able to depose or on which the witness ought to be cross-examined, and
 - (b) put, or cause to be put, to the witness such questions in the interests of that party as may appear to the court to be proper.
- (7) Subject to the provisions of any Act or instrument made under an Act or rule of law authorising the reception of unsworn evidence, evidence given before the family court is to be given on oath.
- (8) An affidavit to be used in the family court may be sworn before—
- (a) a judge of the court, or
 - (b) an officer of the court appointed by a judge of the court for the purpose,
- as well as before a commissioner for oaths or any other person authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891.
- (9) An affidavit sworn before any such judge or officer may be sworn without the payment of any fee.]

Textual Amendments

F1 Ss. 31B-31P inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 1](#); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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