



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I

PROCEDURE ETC. IN CIVIL COURTS

Evidence

5 Witness statements

- (1) Rules of court may make provision—
 - (a) requiring, in specified circumstances, any party to civil proceedings to serve on the other parties a written statement of the oral evidence which he intends to adduce on any issue of fact to be decided at the trial;
 - (b) enabling the court to direct any party to civil proceedings to serve such a statement on the other party; and
 - (c) prohibiting a party who fails to comply with such a requirement or direction from adducing oral evidence on the issue of fact to which it relates.
- (2) Where a party to proceedings has refused to comply with such a requirement or direction, the fact that his refusal was on the ground that the required statement would have been a document which was privileged from disclosure shall not affect any prohibition imposed by virtue of subsection (1)(c).
- (3) This section is not to be read as prejudicing in any way any other power to make rules of court.

6 Evidence given in arbitrations on small claims

In section 64 of the County Courts Act 1984 (references to arbitration) the following subsections shall be inserted after subsection (2)—

- “(2A) County court rules may prescribe the procedures and rules of evidence to be followed on any reference under subsection (1) or (2).

Status: This is the original version (as it was originally enacted).

(2B) Rules made under subsection (2A) may, in particular, make provision with respect to the manner of taking and questioning evidence.”