



Civil Evidence Act (Northern Ireland) 1971

1971 CHAPTER 36

PART II

MISCELLANEOUS AND GENERAL

CONVICTIONS, ETC. AS EVIDENCE IN CIVIL PROCEEDINGS

8 Findings of adultery and paternity as evidence in civil proceedings.

(1) In any civil proceedings—

(a) the fact that a person has been found guilty of adultery in any matrimonial proceedings; and

[^{F1}(b) the fact that a person has been found to be the father of a child in relevant proceedings before any court in Northern Ireland or England and Wales or has been adjudged to be the father of a child in affiliation proceedings before any court in the United Kingdom;]

shall (subject to subsection (3)) be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those civil proceedings, that he committed the adultery to which the finding relates or, as the case may be, is (or was) the father of that child, whether or not he offered any defence to the allegation of adultery or paternity and whether or not he is a party to the civil proceedings; but no finding or adjudication other than a subsisting one shall be admissible in evidence by virtue of this section.

(2) In any civil proceedings in which by virtue of this section a person is proved to have been found guilty of adultery as mentioned in subsection (1)(a) or [^{F1}to have been found or adjudged] to be the father of a child as mentioned in subsection (1)(b)—

(a) he shall be taken to have committed the adultery to which the finding relates or, as the case may be, to be (or have been) the father of that child, unless the contrary is proved; and

(b) without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the finding or adjudication was

Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act (Northern Ireland) 1971, Section 8. (See end of Document for details)

based, the contents of any document which was before the court, or which contains any pronouncement of the court, in the^{F1} other proceedings] in question shall be admissible in evidence for that purpose.

(3) Nothing in this section shall prejudice the operation of any statutory provision whereby a finding of fact in any matrimonial^{F1} or relevant] or affiliation proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

(4) Section 7(4) shall apply for the purposes of this section as if the reference to subsection (2) of that section were a reference to subsection (2) of this section.

(5) In this section—

“matrimonial proceedings” means any matrimonial cause in the High Court^{F2} or a^{F3}... county court] or in the High Court or a county court in England and Wales, any consistorial action in Scotland, or any appeal arising out of any such cause or action;

^{F1}“relevant proceedings” means—

(a) proceedings under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972 or section 101 of the Social Security Administration (Northern Ireland) Act 1992;

Para. (b) rep. by 2000 c. 4 (NI)

(c) proceedings under the Children (Northern Ireland) Order 1995;

(d) proceedings under section 5A of the Guardianship of Infants Act 1886 or section 27 of the Judicature (Northern Ireland) Act 1978;

(e) proceedings which are relevant proceedings as defined in section 12(5) of the Civil Evidence Act 1968;]

“affiliation proceedings” means, in relation to Scotland, any action of affiliation and aliment;

and in this subsection^{F4}... “consistorial action” does not include an action of aliment only between husband and wife raised in the Court of Session or an action of interim aliment raised in the sheriff court.

F1 1995 NI 2

F2 1989 NI 4

F3 Words in s. 8(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 65(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F4 Words in s. 8(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 65(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

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