



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART VIII

EVIDENCE IN CRIMINAL PROCEEDINGS—GENERAL

Miscellaneous

80 [F¹Competence and] compellability of accused's spouse [F²or civil partner].

^{F3}[(1) In any proceedings the wife or husband of the accused shall be competent to give evidence—

- (a) subject to subsection (4) below, for the prosecution; and
- (b) on behalf of the accused or any person jointly charged with the accused.]

^{F4}(2) In any proceedings the [F⁵spouse or civil partner] of a person charged in the proceedings shall, subject to subsection (4) below, be compellable to give evidence on behalf of that person.

(2A) In any proceedings the [F⁵spouse or civil partner] of a person charged in the proceedings shall, subject to subsection (4) below, be compellable—

- (a) to give evidence on behalf of any other person charged in the proceedings but only in respect of any specified offence with which that other person is charged; or
- (b) to give evidence for the prosecution but only in respect of any specified offence with which any person is charged in the proceedings.

(3) In relation to the [F⁵spouse or civil partner] of a person charged in any proceedings, an offence is a specified offence for the purposes of subsection (2A) above if—

- (a) it involves an assault on, or injury or a threat of injury to, the [F⁵spouse or civil partner] or a person who was at the material time under the age of 16;
- (b) it is a sexual offence alleged to have been committed in respect of a person who was at the material time under that age; or

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- (c) it consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a) or (b) above.
- (4) No person who is charged in any proceedings shall be compellable by virtue of subsection (2) or (2A) above to give evidence in the proceedings.
- (4A) References in this section to a person charged in any proceedings do not include a person who is not, or is no longer, liable to be convicted of any offence in the proceedings (whether as a result of pleading guilty or for any other reason).]
- (5) In any proceedings a person who has been but is no longer married to the accused shall be [^{F6}competent and] compellable to give evidence as if that person and the accused had never been married.
- [^{F7}(5A) In any proceedings a person who has been but is no longer the civil partner of the accused shall be compellable to give evidence as if that person and the accused had never been civil partners.]
- (6) Where in any proceedings the age of any person at any time is material for the purposes of subsection (3) above, his age at the material time shall for the purposes of that provision be deemed to be or to have been that which appears to the court to be or to have been his age at that time.
- (7) In subsection (3)(b) above “sexual offence” means an offence under [^{F8}the Sexual Offences Act 1956, the ^{M1}Indecency with Children Act ^{M2}1960, the Sexual Offences Act 1967, section 54 of the ^{M3}Criminal Law Act ^{M4}1977 or] the ^{M5}Protection of Children Act 1978 [^{F9}or Part 1 of the Sexual Offences Act 2003][^{F10}, or an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).]
- [^{F3}(8) The failure of the wife or husband of the accused to give evidence shall not be made the subject of any comment by the prosecution.]
- (9) Section 1(d) of the Criminal Evidence Act 1898 (communications between husband and wife) and section 43(1) of the ^{M6}Matrimonial Causes Act ^{M7}1965 (evidence as to marital intercourse) shall cease to have effect.

Extent Information

E1 S. 80 extends to England and Wales only with exceptions as regards courts martial, see s. 120(1)(6)-(8)

Textual Amendments

F1 S. 80: words in side-note omitted (24.7.2002 for E.W.) by virtue of 1999 c. 23, ss. 67(1), 68(3), Sch. 4 para. 13(4) (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(f)**

F2 S. 80: words in heading inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 97(4)**; S.I. 2005/3175, **art. 2(2)**

F3 S. 80(1)(8) repealed (24.7.2002 for E.W.) by 1999 c. 23, ss. 67(1)(3), 68(3), Sch. 4 para. 13(2), **Sch. 6** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739. {art. 2(f)(g)(ii)}

F4 S. 80(2)-(4A) substituted for s. 80(2)-(4) (24.7.2002 for E.W.) by 1999 c. 23, ss. 67(1), 68(3), Sch. 4 para. 13(3) (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(f)**

F5 Words in s. 80(2)(2A)(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 97(2)**; S.I. 2005/3175, **art. 2(2)**

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- F6** Words in s. 80(5) repealed (24.7.2002 for E.W.) by 1999 c. 23, ss. 67(1)(3), 68(3), Sch. 4 para. 13(4), Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, **art. 2(f)(g)(ii)**
- F7** S. 80(5A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263 {Sch. 27 para. 97(3)}; S.I. 2005/3175, **art. 2(2)**
- F8** Words in s. 80(7) repealed (E.W.) (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**
- F9** Words in s. 80(7) inserted (E.W.) (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 141, **Sch. 6 para. 28(2)**; S.I. 2004/874, **art. 2**
- F10** Words in s. 80(7) inserted (17.3.2016) by The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), **5**

Modifications etc. (not altering text)

- C1** S. 80 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. III para. 18(f)**
S. 80 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. III para. 18(f)**
S. 80 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. III para. 18(f)**
- C2** S. 80(3)(c) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1), 91(1), 94, **Sch. 6 para. 9** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

Marginal Citations

- M1** 1960 c. 33.
M2 1967 c. 60.
M3 1977 c. 45.
M4 1978 c. 37.
M5 1978 c. 37.
M6 1965 c. 72.
M7 1965 c. 72.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(cza) inserted by [2021 c. 17 s. 26\(9\)](#)
- s. 47A(3A) substituted by [2022 c. 35 Sch. 2 para. 7](#)
- s. 61(6BA) inserted by [2008 c. 28 s. 10\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by [2008 c. 28 s. 10\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by [2008 c. 28 s. 10\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by [2022 c. 32 Sch. 11 para. 18\(a\)](#)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by [2006 c. 12 Sch. 3 para. 13](#)