



# Civil Evidence Act 1995

## 1995 CHAPTER 38

### *Supplementary provisions as to hearsay evidence*

#### **7 Evidence formerly admissible at common law.**

- (1) The common law rule effectively preserved by section 9(1) and (2)(a) of the <sup>M1</sup>Civil Evidence Act 1968 (admissibility of admissions adverse to a party) is superseded by the provisions of this Act.
- (2) The common law rules effectively preserved by section 9(1) and (2)(b) to (d) of the <sup>M2</sup>Civil Evidence Act 1968, that is, any rule of law whereby in civil proceedings—
  - (a) published works dealing with matters of a public nature (for example, histories, scientific works, dictionaries and maps) are admissible as evidence of facts of a public nature stated in them,
  - (b) public documents (for example, public registers, and returns made under public authority with respect to matters of public interest) are admissible as evidence of facts stated in them, or
  - (c) records (for example, the records of certain courts, treaties, Crown grants, pardons and commissions) are admissible as evidence of facts stated in them,shall continue to have effect.
- (3) The common law rules effectively preserved by section 9(3) and (4) of the Civil Evidence Act 1968, that is, any rule of law whereby in civil proceedings—
  - (a) evidence of a person's reputation is admissible for the purpose of proving his good or bad character, or
  - (b) evidence of reputation or family tradition is admissible—
    - (i) for the purpose of proving or disproving pedigree or the existence of a marriage, or
    - (ii) for the purpose of proving or disproving the existence of any public or general right or of identifying any person or thing,shall continue to have effect in so far as they authorise the court to treat such evidence as proving or disproving that matter.

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*Changes to legislation: There are currently no known outstanding effects for the Civil Evidence Act 1995, Section 7. (See end of Document for details)*

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Where any such rule applies, reputation or family tradition shall be treated for the purposes of this Act as a fact and not as a statement or multiplicity of statements about the matter in question.

- (4) The words in which a rule of law mentioned in this section is described are intended only to identify the rule and shall not be construed as altering it in any way.

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**Marginal Citations**

**M1** 1968 c. 64.

**M2** 1968 c. 64.

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Evidence Act 1995, Section 7.