

LAWS OF THE UNITED KINGDOM

THE EVIDENCE ACT 1877

(40 & 41 Vict. c. 14)

An Act for the Amendment of the Law of Evidence in certain cases of Misdemeanour

[28th June 1877]

The short title was given to this Act by the Short Titles Act 1896.

Before the passing of the Criminal Evidence Act 1898, p. 865, *post*, many statutes were passed making in particular instances accused persons competent witnesses. This Act is the only one of those which has not been repealed and replaced by the provisions of that Act.

Even before this Act was passed, proceedings of the nature designated in it were deemed proceedings of a civil nature and the accused persons were treated as competent witnesses (*R. v. Stephens* (1866), L.R. 1 Q.B. 702).

Evidence Acts 1806 to 1895. For the Acts (including this Act) which may be cited together by this collective title, see the Introductory Note to the Witnesses Act 1806, p. 802, *ante*.

Northern Ireland. This Act applies.

1. Competency of defendant and wife or husband, in certain trials

On the trial of any indictment or other proceeding for . . . a nuisance to any public highway, river or bridge and of any other indictment or proceeding instituted for the purpose of trying or enforcing a civil right only, every defendant to such indictment or proceeding, and the wife or husband of any such defendant shall be admissible witnesses and compellable to give evidence.

NOTE

The words omitted were repealed, except as respects London and Northern Ireland, by the Highways Act 1959, ss. 309, 312(2), 313(3), (4) and Schs. 22, 25. The repeal was extended to London by the London Government Act 1963, s. 16(2) and Schd. 6, para. 70.
