12. Hearsay admissible by statute in civil proceedings

The Modern Law of Evidence (12th edn)
Adrian Keane and Paul McKeown

Under the common law rule against hearsay, any assertion, other than one made by a person while giving oral evidence in the proceedings, was inadmissible if tendered as evidence of the facts asserted. The Civil Evidence Act 1968 constituted a major assault upon the common law rule in civil proceedings by making provisions for the admissibility of both oral and written hearsay subject to certain conditions. In June 1988 the Civil Justice Review recommended an inquiry by a law reform agency into the usefulness of the hearsay rule in civil proceedings and the machinery for rendering it admissible. The recommendations were put into effect by the Civil Evidence Act 1995. This chapter discusses the admissibility of hearsay under the Civil Evidence Act 1995; safeguards; proof of statements contained in documents; evidence formerly admissible at common law; and Ogden tables.
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