

9

Principles and Procedures to Admit and Exclude Evidence

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SQE1 syllabus

This chapter will enable you to achieve the SQE1 Assessment Specification in relation to Functioning Legal Knowledge concerned with the following procedures and processes:

- burden and standard of proof;
- visual identification evidence and Turnbull guidance;
- inferences from silence ss 34, 35, 36, 37, 38 Criminal Justice and Public Order Act 1994;
- hearsay evidence:
 - definition
 - grounds for admitting hearsay evidence
- confession evidence:
 - definition
 - admissibility
 - challenging admissibility ss 76 and 78 PACE 1984
- character evidence:
 - definition of bad character
 - the 7 gateways s 101(1) Criminal Justice Act 2003
 - procedure for admitting defendant's bad character
 - court's powers to exclude defendant's bad character
- exclusion of evidence:
 - scope and application of s 78 PACE and the right to a fair trial.

Note that, for SQE1, candidates are not usually required to recall specific case names or cite statutory or regulatory authorities. These are provided for illustrative purposes only unless otherwise stated.

Exclude Evidence Manual

S Ashworth



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