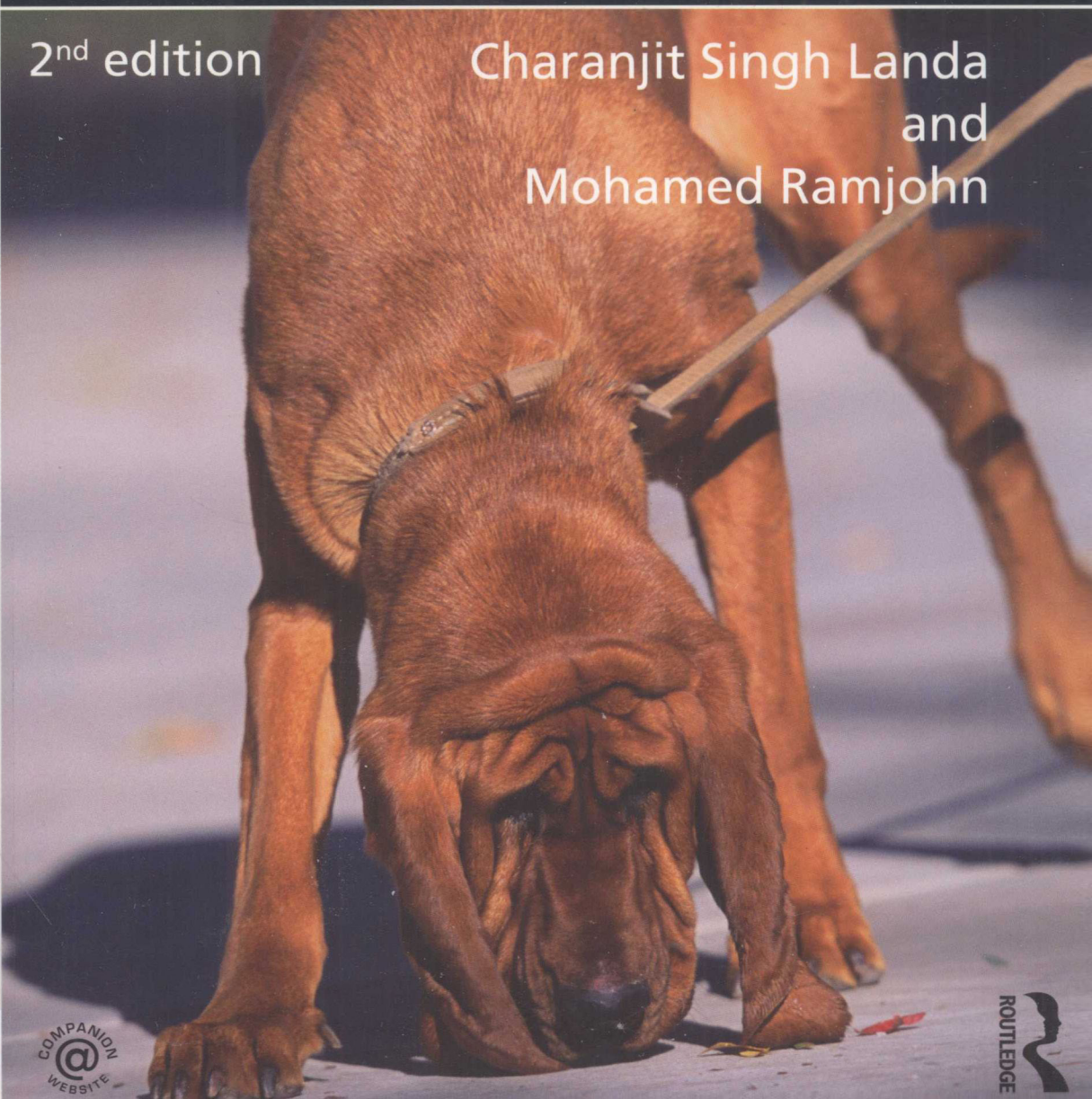


UNLOCKING EVIDENCE

2nd edition

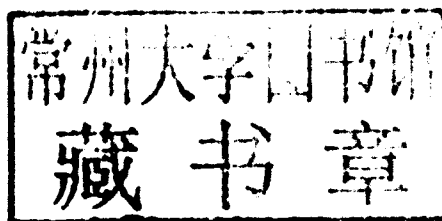
Charanjit Singh Landa
and
Mohamed Ramjohn



UNLOCKING EVIDENCE

2nd edition

Dr Charanjit Singh Landa
and
Mohamed Ramjohn



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To my family and friends, thank you for all your support.

Dr C. S. Landa

This book is dedicated to my daughters, Farah and Nadia.

Mohamed Ramjohn

Preface

Litigation is underpinned by evidence; therefore an in-depth understanding of the law is of utmost importance. This includes the rules on admissibility, relevance and weight; as you will realise whilst reading this textbook, this can facilitate a more tactical use of evidence. Many cases are won, and lost, solely on the basis of a lawyer's command of the evidence and therefore whether or not and how they use it. The aim of this textbook is to provide a clear but comprehensive understanding of the law, and to reinforce your learning of the rules with diagrams, summaries and exercises. Evidence has a habit of presenting problems that often require immediate responses, for instance a witness may say something in their evidence the nature of which is so prejudicial that it would require a new jury to be sworn in. This textbook brings together the law (academic) and its more practical realities. The law is stated as at 1 September 2012. This second edition has been comprehensively rewritten, edited and updated and includes many new cases, commentaries and contemporary discussions. To all those students of evidence out there, and those that are refreshing their knowledge; *'the most savage of controversies are about those matters as to which there is no good evidence either way'* (Bertrand Russell, 1872–1970).

Dr Charanjit Singh Landa

The principal objectives of publishing the second edition of this book remain the same as for the first, namely, to present the relevant principles of law on civil and criminal evidence in an intelligible and simplified form in an effort to facilitate understanding of the law and stimulate critical thought. We have taken on board a number of suggestions from readers and reviewers and have introduced sections on 'Key Facts', summaries of the contents of each chapter and 'Sample Questions' with outline answers at the end of each chapter.

This edition has incorporated a number of significant case law developments such as *R v Webster* (2010) ('reading down' an express statutory reversal of the legal burden), *R v B* (2010) (guidelines issued on the test of competence of children to testify), *R v Watts* (2010) (the Court of Appeal declared the Parliamentary intention behind special measures directions), *R v Popescu* (2011) (the use of transcripts by the jury of the witness's testimony), *R v Parvez* (2011) (retraction of a statement by a hostile witness), *R v Brewster* (2011) (admissibility of evidence of bad character of a person other than the defendant in criminal proceedings), *R v Eyidah* (2010) (wrongful admission by the prosecution of a mass amount of irrelevant and prejudicial evidence against the defendant) and many more.

In addition, we have included commentary on sections 86 to 93 of the Coroners and Justice Act 2009, which repeals and substantially re-enacts the provisions of the Criminal Evidence (Witness Anonymity) Act 2008.

The authors would like to express their sincere gratitude to the team at Hodder initially, and subsequently the staff at Taylor & Francis, for their enormous patience and assistance in the completion of this edition. We are especially grateful to Matthew Sullivan and Jasmin Naim of Hodder, and Damian Mitchell and Fiona Briden of Taylor & Francis, without whose assistance and encouragement the publication of this book would not have been possible. We would also like to thank all those who reviewed the first edition and made suggestions for improving the presentation of the materials. Full consideration was given to such suggestions and, where possible, implemented in this edition.

Mohamed Ramjohn

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