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6th edition

NUTSHELLS

EVIDENCE

Michael Stockdale and Adam Jackson

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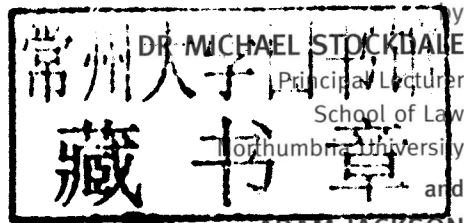


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SIXTH EDITION



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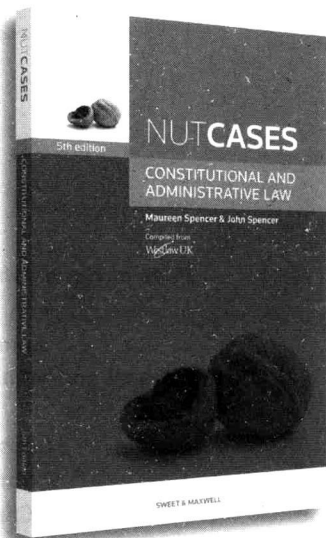
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Using this Book

NEW DESIGN AND LAYOUT

Welcome to our new look NUTSHELLS revision series. We have revamped and improved the existing design and layout and added new features, according to student feedback.

NEW DETAILED TABLE OF CONTENTS for easy navigation.

Table of Contents	5
Introduction	7
How to Use This Book	9
Table of Cases	11
Table of Legislation	13
Index	15

Question and Answer

- 9 Termination of Employment
Question and Answer
- 10 Wrongful Dismissal
Question and Answer
- 11 Unfair Dismissal
Can the Applicant Claim?
Can a Dismissal be Identified?
The Reason for the Dismissal
The Fairness of the Dismissal
Question and Answer

REDESIGNED TABLES OF CASES AND LEGISLATION for easy reference.

... 416, EAT	
A.C. 488	80, 82, 83, 104
MacDonald; Pearce v Mayfield	46
Body [2003] I.C.R. 937, HL	
I.R.L.R. 327, EAT	91
ber Industries [1967] V.R. 37	25
s Ltd [1996] I.R.L.R. 119, EAT	29, 93
lin eV v Botel (C-360/90) [1992]	37
23, ECJ	
.R. 744; [1982] I.R.L.R. 307,	33
(1975) 119 S.J. 575,	

Trade Union	
1945 Law Reform (Contri.	
1957 Occupiers Liability Act	
1970 Equal Pay Act (c.41)	15
s.1	32, 33, 36
(2)(a)	39
(c)	39
(1)	26
(3)	34, 36, 39
(6)(a)	15
(13)	26
1974 Health and Safety at W	
s.2	72
(3)	72

NEW CHAPTER INTRODUCTIONS to outline the key concepts covered and condense complex and important information.

Other Statutory R.

NATIONAL MINIMUM WAGE ACT

The National Minimum Wage Act 1998 sets the minimum hourly rate of pay for all workers in the United Kingdom. The rate is set by the Secretary of State to determine and amend the minimum wage for different categories of workers.

DEFINITION CHECKPOINTS, LEGISLATION HIGHLIGHTERS AND EXPLANATION OF KEY CASES to highlight important information.

Witness anonymity order.

LEGISLATION HIGHLIGHTER

Section 88 of the Coroners and Justice Act 2009

A criminal court may make a witness anonymity order if three conditions are met: (1) the witness is a person who is likely to be a witness in a criminal case; (2) the witness is a person who is likely to be a witness in a criminal case; (3) the witness is a person who is likely to be a witness in a criminal case.

KEY CASE

CARMICHAEL V NATIONAL POW

Mrs Carmichael worked as a guard at a prison on a "zero tolerance" basis, showing group discipline. She worked some hours in a uniform, was in a company vehicle, and enjoyed many of the benefits of the job. The question for the court to determine was whether she was an "employee" or a "contractor" for the purposes of the Employment Rights Act 1996.

Held: (HL) During the course of her duties, Mrs Carmichael was required to wear a uniform and to work in a company vehicle.

The HL reversed the decision of the CA, finding that the requirement to wear a uniform was not customary and did not need to be satisfied.

DEFINITION CHECKPOINT

Procession

The Public Order Act 1986, s.16 defines a procession as a group of persons moving together in a public place. This is not a definition of a procession. The definition can be found in the case of *Fraser v HM Customs & Excise* [1969] 1 WLR 1258, where Lord Goddard C.J. said: "a body of persons: it is a body, not a group."

DEFINITION CHECKPOINT

Assembly

The Public Order Act 1986, s.17 defines an assembly as a gathering of two or more persons in a public place.

DIAGRAMS, FLOWCHARTS AND OTHER DIAGRAMMATIC REPRESENTATION to clarify and condense complex and important information and break up the text.

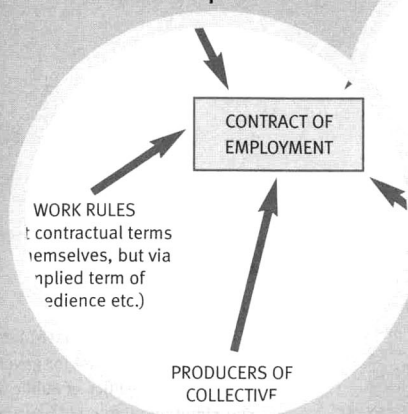
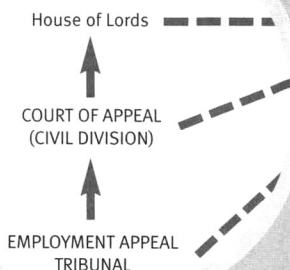


Figure 1 Court and Tribunal System



Chapter Checklist

You should now know and understand:

- the three heads of claim for breach of contract
- issues regarding the choice of law
- the role of the independent arbitrator
- what is meant by "pay".

QUESTION AND ANSWER

END OF CHAPTER REVISION CHECKLISTS outlining what you should now know and understand.

END OF CHAPTER QUESTION AND ANSWER SECTION with advice on relating knowledge to examination performance, how to approach the question, how to structure the answer, the pitfalls (and how to avoid them!) and how to get the best marks.

QUESTION AND ANSWER

The Question

David and Emily are employed as machinists for one and a half years.

Emily discovers that David earns £9.00 per hour. She also discovers that David is employed by a subsidiary of XCo in

HANDY HINTS AND USEFUL WEBSITES

– revision and examination tips and advice relating to the subject features at the end of the book, along with a list of useful websites.

HANDY HINTS

Examination questions in employment law can take either essay questions or problem question format and in what is required of the examination question is of the essence of the question in turn.

Students usually prefer one type of question, but normally opting for the problem question. Examinations are usually set in a way that at least one of each style of question is included.

Very few, if any, questions are purely about a topic, and it is

to make a note

USEFUL WEBSITES

Official Information

www.parliament.uk—very user-friendly.

www.direct.gov.uk—portal for government information.

www.opsi.gov.uk—Office of Public Sector Information and statutory instruments available.

www.dca.gov.uk—Department for Constitutional Affairs.

www.dca.gov.uk/peoples-rights/humanrights/

Unit at the Department for Constitutional Affairs.

www.homeoffice.gov.uk/police/

the Police and Criminal Evidence Act 1984.

–tion –

NEW COLOUR CODING throughout to help distinguish cases and legislation from the narrative. At the first mention, cases are highlighted in colour and italicised and legislation is highlighted in colour and emboldened.

- are an ethnic group (*Selwa*).
- Gypsies are an ethnic group (*CRE*).
- Rastafarians are not an ethnic group (*ment* [1993] I.R.L.R. 284).
- (d) Jehovah's Witnesses are not an ethnic group (*Norwich City College* case 1502237/97).
- (e) RRA covers the Welsh (*Gwynedd CC v Jones*).
- (f) Both the Scots and the English are covered by "national origins" but not by "ethnic origin" (*Board v Power* [1997], *Boyce v British Air*).

It should be noted that Sikhs, Jews, Jews, and Christians are also protected on the grounds of Equality (Religion or Race).

Table of Cases

AT&T Istel Ltd v Tully [1993] A.C. 45; [1992] 3 W.L.R. 344, HL	92, 94
Ajodha v The State, [1982] A.C. 204; [1981] 3 W.L.R. 1; [1981] 2 All E.R. 193	150
Akzo Nobel Chemicals Ltd v European Commission (C-550/07 P) (2010) 160 N.L.J. 1300, ECJ	99
Amys v Barton [1912] 1 K.B. 40, CA	132
Armstrong v First York Ltd [2005] EWCA Civ 277; [2005] 1 W.L.R. 2751; [2005] C.P. Rep. 25	85
Arnold v National Westminster Bank Plc (No.1) [1991] 2 A.C. 93; [1991] 2 W.L.R. 1177, HL	114
Ashley v Chief Constable of Sussex [2008] UKHL 25; [2008] 1 A.C. 962; [2008] 2 W.L.R. 975	2, 14
Attorney General v Hitchcock, 154 E.R. 38; (1847) 1 Ex. 91, Eq Ct	60
Attorney General's Reference (No.1 of 2003), Re [2003] EWCA Crim 1286; [2003] 2 Cr. App. R. 29	134
Attorney General's Reference (No.2 of 2002), Re [2002] EWCA Crim 2373; [2003] 1 Cr. App. R. 21; [2003] Crim. L.R. 192	29
Attorney General's Reference (No.3 of 2000), Re [2001] UKHL 53; [2001] 1 W.L.R. 2060; [2001] 4 All E.R. 897	164
Attorney General's Reference (No.4 of 2002), Re [2003] EWCA Crim 762; [2003] 3 W.L.R. 1153; [2004] 1 All E.R. 1	9
Aveson v Lord Kinnaird, 102 E.R. 1258; (1805) 6 East 188, KB	132
Balabel v Air India [1988] Ch. 317; [1988] 2 W.L.R. 1036, CA (Civ Div)	99, 109
Bell v Holmes [1956] 1 W.L.R. 1359; [1956] 3 All E.R. 449, Assizes (Leeds)	113
Bird v Adams [1972] Crim. L.R. 174, DC	74
Blunt v Park Lane Hotel Ltd [1942] 2 K.B. 253, CA	92, 94
Bottomley, Ex p. [1909] 2 K.B. 14, KBD	46, 59, 68
Bradford & Bingley Plc v Rashid [2006] UKHL 37; [2006] 1 W.L.R. 2066; [2006] 4 All E.R. 705	91

Bramblevale, Re [1970] Ch. 128; [1969] 3 W.L.R. 699, CA	3
Brannigan v Davison [1997] A.C. 238; [1996] 3 W.L.R. 859, PC (NZ)	95
Breeze (Disclosure) v John Stacey & Sons Ltd [2000] C.P. Rep. 77; (1999) 96(28) L.S.G. 27, CA (Civ Div)	103
Brunsden v Humphrey (1884-85) L.R. 14 Q.B.D. 141, CA	114, 115
Bullard v Queen, The [1957] A.C. 635; [1957] 3 W.L.R. 656, PC	5, 13
Butler v Board of Trade [1971] Ch. 680; [1970] 3 W.L.R. 822, Ch D	103
Buttes Gas & Oil Co v Hammer (No.3) [1982] A.C. 888; [1981] 3 W.L.R. 787, HL	101
C v C (Privilege: Criminal Communications) [2001] EWCA Civ 469; [2002] Fam. 42; [2001] 3 W.L.R. 446	142
Calcraft v Guest [1898] 1 Q.B. 759, CA	102, 110
Cathcart Ex p. Campbell, Re (1869-70) L.R. 5 Ch. App. 703, Ch	98
Condrón v United Kingdom (35718/97) (2001) 31 E.H.R.R. 1; 8 B.H.R.C. 290, ECtHR	39, 42, 44
Connelly v DPP [1964] A.C. 1254; [1964] 2 W.L.R. 1145, HL	118
Conquer v Boot [1928] 2 K.B. 336, KBD	112, 113, 124
Conway v Rimmer [1968] 2 W.L.R. 1535; [1968] 2 All E.R. 304 (Note), HL	106
Cutts v Head [1984] Ch. 290; [1984] 2 W.L.R. 349, CA (Civ Div)	91
D v National Society for the Prevention of Cruelty to Children (NSPCC) [1978] A.C. 171; [1977] 2 W.L.R. 201, HL	105, 106
D (A Child) v Walker [2000] 1 W.L.R. 1382; [2000] C.P.L.R. 462, CA (Civ Div)	78
D, Re [2008] UKHL 33; [2008] 1 W.L.R. 1499; [2008] 4 All E.R. 992	3
Dadourian Group International Inc v Simms [2008] EWHC 1784 (Ch)	98
Daniels v Walker. <i>See</i> D (A Child) v Walker.	
Davis v Stena Line Ltd [2005] EWHC 420 (QB); [2005] 2 Lloyd's Rep. 13, QBD	85
DPP v Connelly. <i>See</i> Connelly v DPP.	
Dixons Stores Group Ltd v Thames Television Plc [1993] 1 All E.R. 349, QBD	90
Dubai Bank Ltd v Galadari [1990] Ch. 98; [1989] 3 W.L.R. 1044, CA (Civ Div)	100

Duff Development Co Ltd v Kelantan [1924] A.C. 797, HL	11
Duncan v Cammell Laird & Co Ltd (Discovery) [1942] A.C. 624; [1942] 1 All E.R. 587, HL	106
Ex p. Campbell, Re. See Cathcart Ex p. Campbell, Re.	
European Gateway, The. See Speedlink Vanguard, The and European Gateway, The.	
Ewer v Ambrose and J. Baker, 107 E.R. 969; (1825) 4 B. & C. 25, KB	51
Field v Leeds City Council [1999] C.P.L.R. 833; [2001] C.P.L.R. 129, CA (Civ Div)	80
Fitt v United Kingdom (29777/96) (2000) 30 E.H.R.R. 480; [2000] Po. L.R. 10, ECHR	107
Fuller v Strum [2001] EWCA Civ 1879; [2002] 1 W.L.R. 1097; [2002] 2 All E.R. 87	85
General Accident Fire & Life Assurance Corp Ltd v Tanter (The Zephyr) [1985] 2 Lloyd's Rep. 529, CA (Civ Div)	102
Goddard v Nationwide Building Society [1987] Q.B. 670; [1986] 3 W.L.R. 734, CA (Civ Div)	102, 110
Goodridge v Chief Constable of Hampshire [1999] 1 W.L.R. 1558; [1999] 1 All E.R. 896, QBD	107
Great Atlantic Insurance Co v Home Insurance Co [1981] 1 W.L.R. 529; [1981] 2 All E.R. 485, CA (Civ Div)	102
Green Opal, The. See Tsavlis Russ (Worldwide Salvage & Towage) Ltd v RL Baron Shipping Co SA (The Green Opal).	
Greenough v Gaskell, 39 E.R. 618; (1833) 1 My. & K. 98, Ch	95
Guinness Peat Properties Ltd v Fitzroy Robinson Partnership 102. 103, 110 [1987] 1 W.L.R. 1027; [1987] 2 All E.R. 716, CA (Civ Div)	
H v United Kingdom, (15023/89) 1990	7
H (Minors) (Sexual Abuse: Standard of Proof), Re [1996] A.C. 563; [1996] 2 W.L.R. 8, HL	3, 14
Harmony Shipping Co SA v Saudi Europe Line Ltd (The Good Helmsman) [1981] 1 Lloyd's Rep. 377; (1979) 123 S.J. 691, CA (Civ Div)	96, 101
Henderson v Henderson [1843-60] All E.R. Rep. 378; 67 E.R. 313, Ct of Chancery	114, 115, 121, 123, 124, 216
Hollington v F Hewthorn & Co Ltd [1943] K.B. 587, CA	111, 116, 117, 120, 121, 123

Hunter v Chief Constable of the West Midlands [1982] A.C. 529; [1981] 3 W.L.R. 906, HL	115, 117
Imperial Smelting Corp Ltd v Joseph Constantine Steamship Line Ltd [1942] A.C. 154; [1941] 2 All E.R. 165, HL	2
Istel v Tully. <i>See</i> AT&T Istel Ltd v Tully.	
Jasper v United Kingdom (27052/95) (2000) 30 E.H.R.R. 441; [2000] Po. L.R. 25, ECHR	107
Johnson v Gore Wood & Co (No.1) [2002] 2 A.C. 1; [2001] 2 W.L.R. 72, HL	115, 124
Joseph (Catherine) v Joseph (Paramundayil) [2003] EWCA Civ 308; [2003] C.P.L.R. 333	115
Joseph Constantine Steamship Line Ltd v Imperial Smelting Corp Ltd. <i>See</i> Imperial Smelting Corp Ltd v Joseph Constantine Steamship Line Ltd.	
Khan v Khan [1982] 1 W.L.R. 513	94
Khan v United Kingdom (Admissibility) (23860/94) (1996) 21 E.H.R.R. CD67, Eur Comm HR	164
Knight (Peter James) [2007] EWCA Crim 3027	128
Konigsberg (A Bankrupt), <i>Re</i> [1989] 1 W.L.R. 1257; [1989] 3 All E.R. 289, Ch D	101
Kuruma v Queen, The [1955] A.C. 197; [1955] 2 W.L.R. 223, PC (EA)	163
L (A Minor) (Police Investigation: Privilege), <i>Re</i> [1997] A.C. 16; [1996] 2 W.L.R. 395, HL	96, 98, 100
Liddell v Middleton [1996] P.I.Q.R. P36, CA (Civ Div)	84, 87
Lillicrap v Nalder & Son [1993] 1 W.L.R. 94; [1993] 1 All E.R. 724, CA (Civ Div)	102
London United Investments Plc, <i>Re</i> [1992] Ch. 578; [1992] 2 W.L.R. 850, CA (Civ Div)	93
Lord Ashburton v Pape [1913] 2 Ch. 469, CA	102
Lyell v Kennedy (No.3) (1884) L.R. 27 Ch. D. 1, CA	100
M and R (Minors) (Child Abuse: Expert Evidence), <i>Re</i> [1996] 4 All E.R. 239; [1996] 2 F.L.R. 195, CA (Civ Div)	83, 85
MH v UK, [1997] E.H.R.L.R. 279	121
McCauley v Hope [1999] 1 W.L.R. 1977; [2000] R.T.R. 70, CA (Civ Div)	117, 124
McQuaker v Goddard [1940] 1 K.B. 687, CA	11

Maher v DPP [2006] EWHC 1271 (Admin); (2006) 170 J.P. 441; (2006) 170 J.P.N. 780, DC	173, 175
Marginson v Blackburn BC [1939] 2 K.B. 426, CA	113
Masquerade Music Ltd v Springsteen [2001] EWCA Civ 563; [2001] C.P. Rep. 85; [2001] C.P.L.R. 369	143, 147, 148, 179
Miller v Ministry of Pensions [1947] 2 All E.R. 372; 63 T.L.R. 474, KBD	3, 6, 13
Mood Music Publishing Co Ltd v De Wolfe Ltd [1976] Ch. 119; [1976] 2 W.L.R. 451, CA (Civ Div)	207
Muller v Linsley & Mortimer [1996] P.N.L.R. 74; (1995) 92(3) L.S.G. 38, CA (Civ Div)	91
Murray v United Kingdom (Right to Silence) (18731/91) (1996) 22 E.H.R.R. 29, ECtHR	38, 39, 40, 41, 44
Nederlandse Reassurantie Groep Holding NV v Bacon & Woodrow (No.1) [1995] 1 All E.R. 976; [1995] 2 Lloyd's Rep. 77, QBD (Comm)	98
Neill v North Antrim Magistrates Court [1992] 1 W.L.R. 1220; [1992] 4 All E.R. 846, HL	170
Nottingham City Council v Amin [2000] 1 W.L.R. 1071; [2000] 2 All E.R. 946, DC	164
O'Brien v Chief Constable of South Wales [2005] UKHL 26; [2005] 2 A.C. 534; [2005] 2 W.L.R. 1038	207, 208
Ofulue v Bossert [2009] UKHL 16; [2009] 2 W.L.R. 749; [2009] 11 E.G. 119 (C.S.)	89
Parkes v Queen, The [1976] 1 W.L.R. 1251; [1976] 3 All E.R. 380, PC	34
Parry v News Group Newspapers Ltd (1990) 140 N.L.J. 1719, CA (Civ Div)	99
Perry v Gibson, 110 E.R. 1125; (1834) 1 Ad. & El. 48, KB	143
Persad v Trinidad and Tobago [2007] UKPC 51; [2007] 1 W.L.R. 2379; [2008] 1 Cr. App. R. 9, PC (Trin)	160
Pizzey v Ford Motor Co Ltd [1994] P.I.Q.R. P15, CA (Civ Div)	103
Polanski v Conde Nast Publications Ltd [2005] UKHL 10; [2005] 1 W.L.R. 637; [2005] 1 All E.R. 945	140
Postlethwaite, Re (1887) L.R. 35 Ch. D. 722, Ch D	101
Prince v Samo, 112 E.R. 606; (1838) 7 Ad. & El. 627, KB	68
Proctor v Smiles (1886) 55 L.J.Q.B. 527	102

Proulx v Governor of Brixton Prison [2001] 1 All E.R. 57; [2000] Crim. L.R. 997, QBD	153, 154, 167
Prudential Assurance Co Ltd v Prudential Insurance Co of America (No.2) [2003] EWCA Civ 1154; [2004] E.T.M.R. 29, CA (Civ Div)	90
R. v A [2001] UKHL 25; [2001] 2 W.L.R. 1546; [2002] 1 A.C. 45	66, 67, 71
— v Abadom (Steven) [1983] 1 W.L.R. 126; [1983] 1 All E.R. 364, CA (Crim Div)	81, 82
— v Acton Justices Ex p. McMullen (1991) 92 Cr. App. R. 98; (1990) 154 J.P. 901, QBD	170
— v Alladice (Colin Carlton) (1988) 87 Cr. App. R. 380; [1988] Crim. L.R. 608, CA (Crim Div)	154, 159, 168
— v Allan (Richard Roy) [2004] EWCA Crim 2236; [2005] Crim. L.R. 716; (2004) 148 S.J.L.B. 1032	38
— v Andrews (Donald Joseph) [1987] A.C. 281; [1987] 2 W.L.R. 413, HL	133, 137, 183
— v Argent (Brian) [1997] 2 Cr. App. R. 27; (1997) 161 J.P. 190, CA (Crim Div)	37
— v Athwal (Bachan Kaur) [2009] EWCA Crim 789; [2009] 1 W.L.R. 2430; [2009] 2 Cr. App. R. 14	48
— v Aziz (Kazim) [1996] A.C. 41; [1995] 3 W.L.R. 53, HL	188
— v B [2010] EWCA Crim 4	17
— v Baines [1987] Crim. L.R. 508, CA (Crim Div)	21
— v Ball. See R. v Renda (Raymond).	
— v Barnes (Derek Michael) [2005] EWCA Crim 1158, CA (Crim Div)	81
— v Barratt (Paul Henry) [1996] Crim. L.R. 495, CA (Crim Div)	20
— v Barry (Patrick Valentine) (1992) 95 Cr. App. R. 384, CA (Crim Div)	153, 154, 154, 167
— v Baskerville (G) [1916] 2 K.B. 658; (1917) 12 Cr. App. R. 81, CCA	25
— v Bath (1990) 154 J.P. 849; [1990] Crim. L.R. 716, CA (Crim Div)	29
— v Beales [1991] Crim. L.R. 118	153
— v Beckles (Keith Anderson) [2004] EWCA Crim 2766; [2005] 1 W.L.R. 2829; [2005] 1 All E.R. 705	38
— v Beedie (Thomas Sim) [1998] Q.B. 356; [1997] 3 W.L.R. 758, CA (Crim Div)	118

— v Bellamy (John Alfred) (1986) 82 Cr. App. R. 222; [1986] Crim. L.R. 54, CA (Crim)	20
— v Betts (Raymond Christopher) [2001] EWCA Crim 224; [2001] 2 Cr. App. R. 16; [2001] Crim. L.R. 754	36, 37, 38, 39, 44
— v Billingham (Mark Phillip) [2009] EWCA Crim 19; [2009] 2 Cr. App. R. 20; [2009] Crim. L.R. 529	53, 64
— v Blenkinsop (David Richard) [1995] 1 Cr. App. R. 7, CA (Crim Div)	28
— v Bowers (Victor John) (1999) 163 J.P. 33; [1998] Crim. L.R. 817, CA (Crim Div)	36, 43
— v Boyes, 121 E.R. 730; (1861) 1 B. & S. 311, KB	94
— v Breslin (Martin Anthony) (1985) 80 Cr. App. R. 226, CA (Crim Div)	28
— v Brima (Jimmy) [2006] EWCA Crim 408; [2007] 1 Cr. App. R. 24	196
— v Browning (Edward Owen) (1992) 94 Cr. App. R. 109; [1992] R.T.R. 49, CA (Crim Div)	29
— v Burge; R. v Pegg [1996] 1 Cr. App. R. 163; (1995) 139 S.J.L.B. 99, CA (Crim Div)	30, 31, 32
— v Burke (1858) 8 Cox CC 44	60
— v Busby (Charles Jonathan) (1982) 75 Cr. App. R. 79; [1982] Crim. L.R. 232, CA (Crim Div)	61, 62
— v C [2006] EWCA Crim 1079; [2006] 1 W.L.R. 2994; [2006] 3 All E.R. 689	203, 204
— v C [2006] EWCA Crim 197; [2006] Crim. L.R. 637	171
— v Calder & Boyars Ltd [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974, CA (Crim Div)	83
— v Campbell (1983) 147 J.P. 392; [1983] Crim. L.R. 174, CA (Crim Div)	21
— v Campbell (Kenneth George) [2007] EWCA Crim 1472; [2007] 1 W.L.R. 2798; [2007] 2 Cr. App. R. 28	196, 204, 213, 212
— v Cannings (Angela) [2004] EWCA Crim 1; [2004] 1 W.L.R. 2607; [2004] 1 All E.R. 725	84
— v Cape (Jason Bradley) [1996] 1 Cr. App. R. 191; (1996) 146 N.L.J. 918, CA (Crim Div)	28
— v Card. See R. v C (2006).	
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— v Central Criminal Court Ex p. Francis & Francis (A Firm) [1989] A.C. 346; [1988] 3 W.L.R. 989, HL	104
— v Chenia (Shokat) [2002] EWCA Crim 2345; [2004] 1 All E.R. 543; [2003] 2 Cr. App. R. 6	38
— v Chief Constable of the West Midlands Ex p. Wiley [1995] 1 A.C. 274; [1994] 3 W.L.R. 433, HL	107
— v Chopra (Manoj Kumar) [2006] EWCA Crim 2133; [2007] 1 Cr. App. R. 16; [2007] Crim. L.R. 380	191, 198, 203
— v Christie (Albert) [1914] A.C. 545; (1914) 10 Cr. App. R. 141, HL	160
— v Chrysostomou (Mark) [2010] EWCA Crim 1403; [2010] Crim. L.R. 942	128, 136
— v Cole (Konrad) [2007] EWCA Crim 1924; [2007] 1 W.L.R. 2716; [2008] 1 Cr. App. R. 5	181
— v Condron (Karen) [1997] 1 W.L.R. 827; [1997] 1 Cr. App. R. 185, CA (Crim Div)	37, 38
— v Cowan (Donald) [1996] Q.B. 373; [1995] 3 W.L.R. 818, CA (Crim Div)	41, 42
— v Crampton (Kenneth) (1991) 92 Cr. App. R. 369; [1991] Crim. L.R. 277, CA (Crim Div)	152, 154, 166
— v D [1996] Q.B. 283; [1996] 2 W.L.R. 1, CA (Crim Div)	116
— v Dallagher (Mark Anthony) [2002] EWCA Crim 1903; [2003] 1 Cr. App. R. 12; [2002] Crim. L.R. 821	84
— v Davies [1962] Crim. L.R. 57, CCA	74
— v Davies (Anita Elizabeth) [2006] EWCA Crim 2643; [2007] 2 All E.R. 1070; (2006) 150 S.J.L.B. 1288	171
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— v Derby Magistrates Court Ex p. B [1996] A.C. 487; [1995] 3 W.L.R. 681, HL	104
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— v Dodson (Patrick) [1984] 1 W.L.R. 971; (1984) 79 Cr. App. R. 220, CA (Crim Div)	29