

CHILDREN AND CROSS-EXAMINATION

TIME TO CHANGE THE RULES?



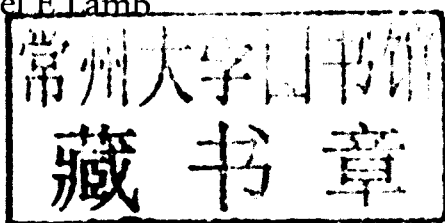
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and
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• H A R T •
PUBLISHING

OXFORD AND PORTLAND, OREGON

2012

Published in the United Kingdom by Hart Publishing Ltd
16C Worcester Place, Oxford, OX1 2JW
Telephone: +44 (0)1865 517530
Fax: +44 (0)1865 510710
E-mail: mail@hartpub.co.uk
Website: <http://www.hartpub.co.uk>

Published in North America (US and Canada) by
Hart Publishing
c/o International Specialized Book Services
920 NE 58th Avenue, Suite 300
Portland, OR 97213-3786
USA
Tel: +1 503 287 3093 or toll-free: (1) 800 944 6190
Fax: +1 503 280 8832
E-mail: orders@isbs.com
Website: <http://www.isbs.com>

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British Library Cataloguing in Publication Data
Data Available

ISBN: 978-1-84946-307-2

Typeset by Compuscript Ltd, Shannon
Printed and bound by
CPI Group (UK) Ltd, Croydon, CR0 4YY

CHILDREN AND CROSS-EXAMINATION

In 2009, Stephen Barker was convicted of rape on the evidence of a little girl who was four-and-a-half years old at the trial, and about three-and-a-half when first interviewed by the police. The high point of the proceedings was the child's appearance as a live witness in order for Barker's counsel to attempt a cross-examination.

This case focused attention on the need, imposed by current English law, for even tiny children to come to court for a live cross-examination.

In 1989, the Pigot Committee proposed a scheme under which the whole of a young child's evidence, including cross-examination, would be obtained out of court and in advance of trial. In 1999 a provision designed to give effect to this was included in the Youth Justice and Criminal Evidence Act, but it has not yet been brought into force.

The full Pigot proposal was implemented, however, in Western Australia, and similar schemes operate in a number of European jurisdictions. This book of essays examines a number of these schemes, and argues the case for further reforms in the UK.

CONTRIBUTORS

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