PRIFYSGOL ABERYSTWYTH UNIVERSITY

SEMESTER ONE EXAMINATIONS, 2025/26

DEPARTMENT OF LAW AND CRIMINOLOGY

LC36520 PRINCIPLES OF EVIDENCE

Time allowed: TWO hours

Answer TWO questions

Candidates are permitted to take ONE A4 page of handwritten or typed notes (both sides) into the examination.

Please state clearly which question(s) you are answering.

STUDENTS MAY SUBMIT ANSWERS TO THIS PAPER IN EITHER WELSH OR ENGLISH

Once seated, students may complete the front cover of the answer book(s) and the attendance slip ONLY.

DO NOT TURN THE EXAMINATION QUESTION PAPER OVER UNTIL INSTRUCTED TO DO SO.

1. “While the presumption of competence for child witnesses is a welcome development, it must be supported by appropriate procedural safeguards to ensure justice is done.”

Critically evaluate the legal framework governing the competence and treatment of child witnesses in criminal trials. In your answer, consider whether the use of special measures adequately addresses the limitations and vulnerabilities associated with child testimony, as well as the impact on the accused’s right to a fair trial. Remember to support your analysis with relevant legal authority.

[50%]

2. Arno is a magistrate. And has asked you, his legal advisor about the relevant law. Please advise Arno the following issues, being sure to cite relevant law.

i) He is hearing a case where the defendant is alleged to have been speeding. Is Arno permitted to take judicial notice of the following facts:
   a. The speed limit on residential roads at the time of the alleged infraction
   b. That most drivers do not speed
   c. The speed of the vehicle based on footage of the incident and his experience as a motorist.

ii) Arno would like to know if he is allowed to give defendants a tour of the court, so as to help them be comfortable if they seem nervous, he is worried that this might come across as coaching.

iii) Arno has been approached by a former police officer, who is 70 years old and former clergyman, who wishes to become a magistrate. Arno wants to be sure that he can correctly advise as to his eligibility.

[50%]

3. Mike was recently questioned by the police, who suspected him of the vandalism of a local church. While he was being arrested, he told the officer in charge that he was an alcoholic, and alcohol dependant, meaning that he could experience withdrawal symptoms if forced to suddenly abstain from alcohol for an extended period. While he

was being held pending questioning he complained that he was starting to experience withdrawal symptoms, and that he could hear the officers outside his cell taunting him. CCTV recordings do not seem to give any indication that anyone was outside his cell or taunting him at the time. After 8 hours he exclaimed that he had had enough, and he just wanted to be released, and he would do anything for a drink. He was then questioned where he signed a confession.

Mike claims that his confession was false and a product of “psychological warfare”.

Following his confession the police searched a storage locker owned by mike and found a number of cans of spray paint, of the kind used to vandalize the church, which have Mikes fingerprints on.

Mike claims this should be inadmissible because the confession that pointed the police to the locker was also inadmissible. He also claims, “everyone knows fingerprints are made-up anyway”.

The church Mike is alleged to have vandalized is much loved by the local community, and coverage by the local media has resulted in Mikes case being highly publicised and the topic of strong local emotion. Mike claims that this makes it impossible for him to get a fair trial. He says that the media have “poisoned” the case, and that it would be unfair to proceed.

Advise Mike on the evidential issues at play in this case.

[50%]

4. Is the rule prohibiting hearsay in the Criminal Justice Act 2003 s.114 (1) inappropriately harsh? Does it strike a balance between including appropriate evidence while respecting human rights?

Be sure to discuss cases and the exceptions to the rule in your answer.

[50%]

END OF PAPER