The Honorable Society of King’s Inns

Entrance Examination 2020

LAW OF EVIDENCE

EXAMINER: Ms. Ruth Cannon BL

EXTERN: Mr. Patrick Marrinan SC

Attached:
Syllabus 2020
Reading List 2020
Examination Format 2020
1. Introduction: Basic Concepts of the Law of Evidence
Definitions of Evidence
Sources of Evidence
Direct evidence, real evidence, documentary evidence, circumstantial evidence
Functions of Judge and Jury
Relevance/Admissibility Distinction
Receivability/Materiality
Determination of the ‘ultimate issue’

2. Burden Of Proof in Civil and Criminal Cases
Criminal Cases
Legal Burden of Proof on Prosecution
Shifting of the Legal Burden of Proof to the Defence
Insanity
Statutory (express/implied – constitutional issues)
The Evidential Burden of Proof
Presumptions of Law and of Fact
Civil Cases
Legal and Evidential Burdens
Presumptions of Law and of Fact

3. Illegally and Unconstitutionally Obtained Evidence in Civil and Criminal Cases
Admissibility of Unconstitutionally Obtained Evidence – general principles
Admissibility of Illegally but Not Unconstitutionally Obtained Evidence – general principles

4. Competence and Compellability of Witnesses in Civil and Criminal Cases
Physical or Mental Disability
Children
Diplomats
Accused
Accused’s Spouse

5. Corroboration of Evidence in Criminal Cases
Corroboration of Accomplice Evidence
Corroboration of Children’s Evidence
Corroboration of the evidence of a complainant in a sexual offence case

6. Visual Identification Evidence in Criminal Cases
The development and scope of the visual identification evidence warning and the right to an identification parade in certain circumstances.
7. Examination in Chief/Cross-examination
The rule against leading questions
The rule against narrative
Refreshing memory in and out of the witness box
Hostile witnesses
The rule regarding the finality of witnesses' answers to questions on collateral issues

8. The Rule Against Hearsay in Criminal and Civil Cases
The rule against hearsay and the following exceptions thereto:
- Statements forming part of the “res gestae”
- Dying declarations of the deceased on charges of homicide
- Declarations against proprietary interest
- Declarations by deceased persons in the course of duty
- Declarations as to pedigree
- Declarations as to public rights
- Post-testamentary declarations by testators as to contents of their wills
- Other declarations by deceased persons
- Public documents
- Statutory exceptions contained in the Criminal Evidence Act 1992 as amended

9. Admissibility of Documentary Evidence in Criminal and Civil Cases
Secondary evidence of documents and proof of due execution

10. Confessions in Criminal Proceedings
Confessions and their inadmissibility due to involuntariness, breach of the Judges’ Rules and breach of Custody Regulations, also possible unconstitutionality and/or illegality as per 3. above.

11. Opinion Evidence in Criminal and Civil Cases
Admissibility of Expert and Non-Expert Opinion Evidence

12. The Admissibility of Similar Fact Evidence in Criminal Cases
Admissibility of Evidence of Previous Misconduct of the Accused in Criminal Proceedings

13. Cross Examination of the Accused in Criminal Cases as to Bad Character under Section 1(e) and 1(f) the Criminal Justice (Evidence) Act 1924
S. 1 (e) & S. 1 (f)
Loss of the Shield: Section 1 (f) (i)-(iii)

14. Private and Public Privilege in Criminal and Civil Cases
Legal professional privilege
Informant privilege
Without prejudice privilege
Sacerdotal privilege
Counselling privilege
Public privilege
Privilege against self incrimination/right to silence

READING LIST 2020

EXAMINATION FORMAT 2020

The examination will be of 3 hours duration.

The paper is divided into two parts, **Part A and Part B**.

**Part A** contains one compulsory question, which must be answered by all candidates. The issues in the compulsory question in Part A may relate to ANY part of the course. What the examiner is looking for in Part A is a general overall knowledge of all major aspects of the course.

**Part B** contains four questions designed to test more detailed knowledge of specific areas, and candidates must answer two out of these four questions.

End.