Chapter 3 examines the principles relating to the presentation of evidence in court. It first discusses the adversarial tradition upon which the English trial process is based. It then distinguishes between the principles governing the questioning of one’s own witness (which occurs in examination-in-chief and re-examination) and those governing the questioning of another party’s witness (which occurs in cross-examination). It shows that, in criminal proceedings, provisions in the Criminal Justice Act 2003 now deal with two particular matters that may arise in the course of questioning one’s own witness—the extent to which refreshing memory is permitted, and the extent to which a previous consistent statement is admissible in evidence. The chapter also considers other issues, including the judicial approach to ‘no case to answer’ submissions in criminal trials, and the extent to which the claimant or prosecution may adduce further evidence after closing its case.
3. The Course of Evidence

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