22. Judgments as evidence of the facts upon which they were based

This chapter examines the circumstances in which a judgment in a civil case or a verdict in a criminal case is admissible in subsequent proceedings as evidence of the facts on which it was based. It analyses the rule in Hollington v Hewthorn & Co Ltd, which has been widely criticized, that judgments are not admissible as evidence of the facts on which they are based. Its effect, in both civil and criminal proceedings, has been largely removed by the Civil Evidence Act 1968 and the Police and Criminal Evidence Act 1984 respectively. Concerning civil proceedings, consideration is given to previous convictions generally, previous convictions in defamation proceedings, previous findings of adultery and paternity, previous acquittals, and other previous findings. Concerning criminal proceedings, consideration is given to previous convictions of the accused, previous convictions of persons other than the accused, and previous acquittals.
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