This chapter discusses the circumstances in which relevant evidence can be excluded, as a matter of law or discretion, on the grounds that it was obtained illegally, improperly, or unfairly. The principles for exclusion of evidence are considered, and exclusion in both civil and criminal cases discussed. In respect of civil cases, discretionary exclusion under the civil procedure rules is discussed. In respect of criminal cases, discretionary exclusion at common law and under statute is discussed. The chapter also considers the circumstances in which criminal proceedings should be stayed as an abuse of the court’s process, where a trial would undermine public confidence in the criminal justice system and bring it into disrepute.
3. Evidence obtained by illegal or unfair means

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