3. Witnesses: Competence and compellability; Special Measures Directions

Concentrate Questions and Answers
Evidence: Law Q&A Revision and Study Guide (2nd edn)
Maureen Spencer and John Spencer

Publisher: Oxford University Press
DOI: 10.1093/he/9780198819905.003.0003

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The Concentrate Questions and Answers series offers the best preparation for tackling exam questions. Each book includes typical questions, bullet-pointed answer plans and suggested answers, author commentary and illustrative diagrams and flow charts. This chapter covers witnesses, who are a principal source of evidence, and the rules relating to their attendance. All witnesses with relevant information are assumed to be competent to give evidence and usually compellable to give evidence, as the court may summon them to attend. Interests of the witness are secondary to the need of the court to have all necessary information. Some witnesses who are competent may claim a privilege not to give evidence, including defendants on their own behalf. Other exceptions comprise spouses or civil partners testifying for the
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prosecution. This is based on the concept that compulsion may lead to marital discord. The chapter also includes a review of Special Measures Directions for vulnerable witnesses.

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