This chapter focuses on evidence that is relevant but improperly obtained and thus may be excluded by judicial discretion. It looks at the exclusionary discretion contained within section 78 of the UK's Police and Criminal Evidence Act 1984 (PACE), and explains how common law and statutory exclusionary discretion may be exercised in relation to other areas of evidence, such as character evidence and hearsay evidence, other than confessions. The chapter also looks at the most common areas of exclusion, other than confession evidence, including breach or evasion of legislation such as PACE and the Codes of Practice. It also reviews when a stay of prosecution might be the appropriate procedure. Finally, it discusses the relevant principles of Article 6 of the European Convention on Human Rights (ECHR) that are enshrined in section 78 of PACE.
4. Improperly obtained evidence other than confessions

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