



## MODULE SPECIFICATION

**Code:** UJUTD8-30-3

**Title:** Law of Evidence

**Version:** 5

**Level:** 3

**UWE credit rating:** 30

**ECTS credit rating:** 15

**Module type:** Standard

**Owning Faculty:** FBL

**Field:** Law Undergraduate

**Faculty Committee approval:** QMAC

**Date:**

**Valid from:** September 2011

**Discontinued from:**

**Contributes towards:** LLB; LL.B. (Commercial Law); LL.B. (European and International Law); LLB (Law with Criminology); B.A (Criminology with Law); B.A (Law and Criminology); B.A. (Joint Awards)

**Pre-requisites:** Either UJUTA3-30-1 Method, Procedure & Systems + Law modules at level 1 worth at least 30 credits or 80 credits acceptable to the Law award on which the student is registered

**Co-requisites:** None

**Excluded combinations:** None

### Aim of module

- To enable students to understand the main rules of the law of evidence by reference to the social, political and ethical considerations that have underpinned their development.
- To enable students to look at those rules critically and analytically and to apply them in a practical context.

### Learning outcomes:

On successful completion of this module students will be able to demonstrate:

- A knowledge and understanding of the rules, principles and concepts which make up the law of evidence [tested in all assessed components].
- Intellectual skills
  - in the discussion and analysis of the law of evidence;
  - in the development of critical thinking in the context of the law of evidence; and
  - in the application of the rules of evidence to factual situations
  - [tested in all assessed components]
- The ability to research the law and find other relevant and up-to-date information and to make appropriate use of primary and secondary sources [tested in all assessed components]

On the successful completion of this module students should have the following transferable skills:

- the ability to present structured arguments;
- the ability to analyse, evaluate and reflect upon legal materials;
- problem-solving skills;
- the ability to work in a group;
- the ability to undertake independent research.

### Syllabus outline:

Standard evidence syllabus with emphasis on the following particular topics, as it is impossible to cover all areas:

## Term 1

### The Foundations of the Law and Obtaining Evidence:

- Concepts and Terminology
- Identification
- The Right to Silence
- Confessions
- Evidence Obtained by Illegal or Unfair Means

## Term 2

### Trial Procedures and the Principles of Proof and the Exclusionary Rules

- Burden and Standard of Proof
- Witnesses
- Sexual Behaviour
- Character
- Hearsay
- Opinion

In relation to these topics the approach is to understand the present law by reference to the social, political and ethical considerations that underpin it. This is an area of law which continues to evolve and in which the impact of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been significant. It is also an area that is politically charged and the students will therefore have the opportunity to view the subject in that light.

### **Teaching and learning methods:**

- The module will be taught by means of weekly two-hour lectures and fortnightly two-hour workshops.
- The emphasis throughout the lectures will be on encouraging the students to enter a dialogue with the lecturer and to question and critically evaluate the principles which underpin the law under consideration. The lectures are accompanied by detailed printed materials which are designed not only to reflect the content of the session, but to stimulate interest in relevant lines of research.
- The workshops will give the students the opportunity to develop their research, time management group-working, and oral presentational skills, and further opportunity to analyse and critically evaluate the law.
- In addition students will learn in the workshops how to apply their knowledge of the law to practical evidential problems which arise in the course of criminal and civil trials.
- The module will supported by on-line materials on Blackboard – including video demonstrations of courtroom procedures and scenarios.

### **Reading Strategy**

In the law of Evidence it is essential for students to consult the primary sources and these are more than adequately provided for in the Library and on-line.

Students are also expected to consult secondary sources and there are several textbooks written on this subject. The following books are recommended as providing a critical, up-to-date and engaging coverage of the topics that are covered on this module.

Choo A., (2009) *Evidence*, 2<sup>nd</sup> edit, Oxford University Press  
Munday R., (2009) *Evidence*, 5<sup>th</sup> edit, Oxford University Press  
Dennis I, (2010) *The Law of Evidence*, 4<sup>th</sup> edit, Sweet & Maxwell

In addition, students will be provided with a list of other relevant textbooks they can use/refer to.

## Assessment

**Weighting between components A and B (standard modules only) A: 50% B: 50%**

**Component A is the final assessment**

### ATTEMPT 1

#### First Assessment Opportunity

##### Component A

###### Description of each element

- 1 Exam of 2 hours' duration

**Element weighting**

100%

##### Component B

###### Description of each element

- 1 Coursework of 3,000 words.
- 2 Coursework of 3,000 words.

**Element weighting**

100%

100%

The students will be given the opportunity to complete two pieces of coursework, the final mark for this component being the best of the two.

#### Second Assessment Opportunity

##### Component A

###### Description of each element

- 1 Exam of 2 hours' duration

**Element weighting**

100%

##### Component B

###### Description of each element

- 1 Coursework of 3,000 words.
- 2 Coursework of 3,000 words.

**Element weighting**

100%

100%

The students will be given the opportunity to complete two pieces of coursework, the final mark for this component being the best of the two.

**Specification confirmed by .....Date .....**  
**(Associate Dean/Programme Director)**