Module Title:	Evidence 1
Language of Instruction:	English

Credits:	5

NFQ Level:	8

Module Delivered In	1 programme(s)

Teaching & Learning Strategies:	Lectures - communication of knowledge and ideas from the lecturer to the student. Problem Solving Exercises - student will work as part of a team and will work together to resolve various legal scenarios. Class Discussion/Debate - Students will be encouraged to actively participate in the class sessions which will develop their analytical and communication skills. E-Learning - the module will be supported with on-line learning materials. Self-Direct Independent Learning - the emphasis on independent learning will develop a strong and autonomous work and learning practices.

Module Aim:	The aim of this module is to provide students with a solid knowledge and understanding of the burdens and standards of proof that apply in civil and criminal proceedings together with the rules that apply to the examination of witnesses and the treatment of witness evidence.

Learning Outcomes

On successful completion of this module the learner should be able to:

LO1	Distinguish between the various burdens and standards of proof required in criminal and civil proceedings and explain the importance of such distinctions.
LO2	Discuss the competence and compellability of different categories of witness and the rules that govern the examination of witnesses (including an accused in a criminal case) in court.
LO3	Describe the rules on corroboration and the circumstances in which cautionary warnings must or may be given by a trial judge.
LO4	Critically analyse the law and employ knowledge and understanding in solving relevant problems.

Pre-requisite learning

Module Recommendations
This is prior learning (or a practical skill) that is recommended before enrolment in this module.

No recommendations listed

Incompatible Modules
These are modules which have learning outcomes that are too similar to the learning outcomes of this module.

No incompatible modules listed

Co-requisite Modules

No Co-requisite modules listed

Requirements
This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.

No requirements listed

Module Content & Assessment

Indicative Content
Basic Concepts of Evidence • Basic Terminology – Factum Probandum and Factum Probans • Relevance – logical and legal • Admissibility • Voir Dire • Types of Evidence
Burden & Standard of Proof • The Burden of Proof Terminology (the legal burden, the evidential burden and the tactical burden) Burden in Criminal Cases – The Golden Thread, Presumption of Innocence, Reverse Onus provisions Burden in Civil Cases Presumptions (irrebuttable and rebuttable presumptions of law, presumptions of fact, presumptions without basic facts) • The Standard of Proof Civil and Criminal Cases
Witness System 1 - Examination of Witnesses • Competence and Compellability of Witnesses • Mode of Evidence - alternatives to 'in-court' testimony • Course of Evidence o Examination-in-Chief Leading Questions Refreshing Memory Rule Against Narrative Doctrine of Recent Complaint Unfavourable and hostile witnesses o Cross Examination Objects of cross examination Finality of answers to collateral questions Sexual History of Complainants o Re-Examination
Witness System 2 - Corroboration and Cautionary Directions • Meaning of Corroboration • Corroboration required as a matter of law • Mandatory Corroboration Warnings Confession Evidence Accomplice evidence • Discretionary Corroboration Warnings Evidence of Complainants in Sexual Cases Evidence of Children • Sexual Offences - Delay 'Haugh' Warning • Lucas Warnings • Identification Evidence Visual and Voice • Requirement for and extent of Cautionary Warning • Validity of Pre-trial Identification Procedures • Status of DNA evidence
Opinion Evidence • Non-Expert Opinion Evidence • Expert Opinion Evidence - duties of experts, rules governing the use of expert evidence

Assessment Breakdown	%
End of Module Formal Examination	100.00%

No Continuous Assessment

No Project

No Practical

End of Module Formal Examination				
Assessment Type	*Assessment Description*	*Outcome addressed*	*% of total*	*Assessment Date*
Formal Exam	End-of-Semester Final Examination	1,2,3,4	100.00	End-of-Semester

SETU Carlow Campus reserves the right to alter the nature and timings of assessment

Module Workload

Workload: Full Time		
Workload Type	*Frequency*	*Average Weekly Learner Workload*
Lecture	12 Weeks per Stage	3.00
Estimated Learner Hours	15 Weeks per Stage	5.93
	Total Hours	125.00

Workload: Part Time		
Workload Type	*Frequency*	*Average Weekly Learner Workload*
Lecture	Every Week	1.50
	Total Hours	1.50

Module Delivered In

Programme Code	Programme	Semester	Delivery
CW_HHLAW_B OLD	[Honours Bachelor of Laws Degree - LLB](#)	3	Elective