LAWS H2309_3: Evidence 2

Module Title:	Evidence 2
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 sound knowledge and critical understanding of the various exclusionary rules and principles of evidence that apply in the Irish court system.

Learning Outcomes	
On successful completion of this module the learner should be able to:	
LO1	Explain the various exclusionary rules of evidence and the extent to which these rules, as interpreted by the courts, impact upon the tendering of evidence.
LO2	Assess and evaluate the impact of the various privileges and immunities upon the tendering of evidence and discuss the approach of the courts to such privileges and immunities.
LO3	Critically analyse the law and employ knowledge and understanding in solving relevant problems.
LO4	Research aspects of the law of evidence either independently or as part of a group and communicate findings and proposals in written and/or verbal form.

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

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Module Content & Assessment

Indicative Content
Previous Misconduct Evidence of an Accused • General Exclusionary Rule • Circumstances of Inclusion • Evolution of Inclusionary Rule • Modern Test - Probative Value v Prejudicial Effect
Cross-Examination of an Accused • Shield Against Questions revealing previous bad character of accused • Section 1(e) and (f) and S.1A Criminal Justice (Evidence) Act 1924 (as amended) • Circumstances where shield may be lost • Extent of questioning where shield is lost
Improperly Obtained Evidence • Unconstitutionally obtained evidence Circumstances of exclusion and inclusion - The JC Principles • Illegally obtained evidence
Confession Evidence • Admissibility Voluntariness test Breach of Constitutional rights The Judges' rules Custody regulations Breach of fundamental fairness • Corroboration • Electronic recording of interviews
The Rule Against Hearsay • Definition of the Rule • Rationale of the rule • Hearsay Evidence v Original Evidence • Application of the Rule • Common Law and Statutory Exceptions to the Hearsay Rule • Reform
Privileges and Immunities • Privilege against self incrimination • Legal Professional Privilege • Public Interest Privilege • Other Privileges

Assessment Breakdown	%
Continuous Assessment	100.00%

Continuous Assessment				
Assessment Type	*Assessment Description*	*Outcome addressed*	*% of total*	*Assessment Date*
Project	Students will be assigned a number of research tasks across the semester and required to present their findings in written and/or oral form.	1,2,3,4	100.00	n/a

No Project

No Practical

No End of Module Formal Examination

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	4	Elective