

*These notes refer to the Criminal Justice Act 2003 (c.44)
which received Royal Assent on 20th November 2003*

CRIMINAL JUSTICE ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11 - Evidence

Chapter 1 : Evidence of Bad Character

Section 112: Interpretation of Chapter 1

392. *Section 112* defines terms employed in this Part. *Subsection (2)* makes it clear that where the defendant is charged with two or more offences the provisions of this Part refer to each charge as separate proceedings. This means that bad character evidence that is admissible in relation to one charge in the proceedings is not automatically admissible in relation to another charge in the same proceedings, but must instead meet the provisions of this Chapter to be admissible in respect of that charge. It also means that evidence relevant on one charge is not rendered inadmissible if not also relevant to other charges. However, where the court is looking at whether the evidence should be excluded under section 101(3) then the court is to look at the effect of the admission of the evidence on the fairness of the proceedings as a whole and not just the charges for which the evidence is admissible.
393. *Section 112(3)* makes it clear that nothing in this Chapter affects the exclusion of evidence on certain other grounds. These are:
- the rule in section 3 of the Criminal Procedure Act 1865 against a party impeaching the credit of his own witness by general evidence of bad character;
 - section 41 of the Youth Justice and Criminal Evidence Act 1999 which places restrictions on evidence or questions about a complainant's sexual history;
 - any other power to exclude the evidence, on grounds other than it is evidence of a person's bad character, for example under section 78 of the Police and Criminal Evidence Act 1984 which provides for the exclusion of unfair evidence, or under the provisions of Chapter 2 of this Part relating to hearsay.