



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART VIII

EVIDENCE IN CRIMINAL PROCEEDINGS—GENERAL

Miscellaneous

78 Exclusion of unfair evidence.

- (1) In any proceedings the court may refuse to allow evidence on which the prosecution proposes to rely to be given if it appears to the court that, having regard to all the circumstances, including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it.
- (2) Nothing in this section shall prejudice any rule of law requiring a court to exclude evidence.

^{F1}(3)

Extent Information

E1 S. 78 extends to England and Wales only with exceptions as regards courts martial, see s. 120(1)(6)-(8)

Textual Amendments

F1 S. 78(3) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 56\(5\)](#), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), art. 4(1)(c)(d)(2)(3) (with art. 5) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4); [S.I. 2012/2574](#), art. 2(2)(3)(c)(d), [Sch.](#) (with arts. 34) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(d)(2)(3) (with arts. 34)

Modifications etc. (not altering text)

C1 S. 78(1) modified (2.10.2000) by [S.I. 2000/2370](#), rule 27(2), [Sch. 3 Pt. III para. 18\(c\)](#)
S. 78(1) modified (2.10.2000) by [S.I. 2000/2371](#), rule 27(2), [Sch. 3 Pt. III para. 18\(c\)](#)

Status: Point in time view as at 15/09/2020.

Changes to legislation: *Police and Criminal Evidence Act 1984, Section 78 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

S. 78(1) modified (2.10.2000) by [S.I. 2000/2372](#), rule 27(2), **Sch. 3 Pt. III para. 18(c)**

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