
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 35

EVIDENCE OF BAD CHARACTER

Content of application or notice

- 35.2.**—(1) A party who wants to introduce evidence of bad character must—
- (a) make an application under rule 35.3, where it is evidence of a non-defendant’s bad character;
 - (b) give notice under rule 35.4, where it is evidence of a defendant’s bad character; and
- (2) An application or notice must—
- (a) set out the facts of the misconduct on which that party relies,
 - (b) explain how that party will prove those facts (whether by certificate of conviction, other official record, or other evidence), if another party disputes them, and
 - (c) explain why the evidence is admissible.

[Note. The Practice Direction sets out forms of application and notice for use in connection with rules 35.3 and 35.4.

The fact that a person was convicted of an offence may be proved under—

- (a) *section 73 of the Police and Criminal Evidence Act 1984(1) (conviction in the United Kingdom or European Union); or*
- (b) *section 7 of the Evidence Act 1851(2) (conviction outside the United Kingdom).*

See also sections 117 and 118 of the Criminal Justice Act 2003 (admissibility of evidence contained in business and other documents).

Under section 10 of the Criminal Justice Act 1967(3), a party may admit a matter of fact.]

(1) 1984 c. 60; section 73 was amended by section 90(1) of, and paragraphs 125 and 128 of Schedule 13 to, the Access to Justice Act 1999 (c. 22) and paragraph 285 of Schedule 8 to, the Courts Act 2003 (c. 39).
(2) 1851 c. 99.
(3) 1967 c. 80.