
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 35

EVIDENCE OF BAD CHARACTER

When this Part applies

35.1. This Part applies—

- (a) in a magistrates' court and in the Crown Court;
- (b) where a party wants to introduce evidence of bad character, within the meaning of section 98 of the Criminal Justice Act 2003⁽¹⁾.

[Note. Under section 98 of the Criminal Justice Act 2003, evidence of a person's bad character means evidence of, or of a disposition towards, misconduct on that person's part, other than evidence that—

- (a) has to do with the alleged facts of the offence; or*
- (b) is evidence of misconduct in connection with the investigation or prosecution.*

Under section 100(1) of the Criminal Justice Act 2003, evidence of a non-defendant's bad character is admissible if—

- (a) it is important explanatory evidence;*
- (b) it has substantial probative value in relation to a matter which—*
 - (i) is a matter in issue in the proceedings, and*
 - (ii) is of substantial importance in the context of the case as a whole; or*
- (c) all parties to the proceedings agree to the evidence being admissible.*

The section explains requirements (a) and (b). Unless the parties agree to the evidence being admissible, it may not be introduced without the court's permission.

Under section 101(1) of the Criminal Justice Act 2003, evidence of a defendant's bad character is admissible if—

- (a) all parties to the proceedings agree to the evidence being admissible;*
- (b) the evidence is introduced by the defendant, or is given in answer to a question asked by the defendant in cross-examination which was intended to elicit that evidence;*
- (c) it is important explanatory evidence;*
- (d) it is relevant to an important matter in issue between the defendant and the prosecution;*
- (e) it has substantial probative value in relation to an important matter in issue between the defendant and a co-defendant;*
- (f) it is evidence to correct a false impression given by the defendant; or*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(g) *the defendant has made an attack on another person's character.*

Sections 102 to 106 of the Act supplement those requirements. The court must not admit evidence under (d) or (g) if, on an application by the defendant, the court concludes that to do so would be unfair.]