

Criminal Benchbook Update Notes February 2016

Foreword – remove page and replace with new page

Criminal Benchbook Update Notes – February 2016 – insert pp 1-2

1. **Contents** – remove pp 1.1-1.10 and replace with pp 1.1-1.9
3. **Table of Cases** – remove pp 3.1-3.38 and replace with 2. Table of Cases pp 2.1-2.34
4. **Introduction** – remove pp 4.1-4.3 and replace with 3. Introduction pp 3.1-3.2
- 5B. **Trial Procedure** – remove pp 5B.1-5B.14 and replace with 4. Trial Procedure pp 4.1-4.13
6. **Unrepresented Defendant** – remove pages 6.1-6.6 and replace with 5. Unrepresented Defendant pp 5.1-5.5
7. **Fitness for Trial** – remove pages 7.1-7.3 and replace with 6. Fitness for Trial pp 6.1-6.3
8. **Protected Witnesses: s 21m Evidence Act 1977** – remove pp 8.1-8.2 and replace with 7. Protected Witnesses: s 21m *Evidence Act* 1977 pp 7.1-7.2
9. **Protected Witnesses: s 5 Criminal Law (Sexual Offences) Act 1978** – remove p 9.1 and replace with 8. Protected Witnesses: s 5 *Criminal Law (Sexual Offences) Act* 1978 p 8.1
10. **Evidence of Affected Children** – remove pp 10.1-10.4 and replace with 9. Evidence of Affected Children pp 9.1-9.3
- 10A. **Child Witnesses – 93A Statements** – remove pp 10A.1-10A.2 and replace with 10. Child Witnesses: 93A Statements pp 10.1-10.2
11. **Special Witnesses** – remove pp 11.1-11.2 and replace with pp 11.1-11.2
12. **Competency of Witnesses, Including Children** – remove pp 12.1-12.4 and replace with pp 12.1-12.3
- 12A. **Hostile Witnesses** – remove pp 12A.1-12A.3 and replace with 13. Hostile Witnesses pp 13.1-13.2
20. **Tape Recordings, Transcripts and Exhibits** – remove pp 20.1-20.3 and replace with pp 20.1-20.3
24. **General Summing Up Directions** – remove pp 24.1-24.9 and replace with pp 24.1-24.8
34. **Separate Consideration of Charges – Single Defendant** – remove pp 34.1-34.1 and replace with pp 34.1-34.2
49. **Identification** – remove pp 49.1-49.7 and replace with pp 49.1-49.7
50. **Similar Fact Evidence** – remove pp 50.1-50.4 and replace with pp 50.1-50.4

- 52A. Majority Verdict** – remove pp 52A.1-52A.5 and replace with pp 52A.1-52A.6
- 62A. Distressed Condition** – remove pp 62A.1-62A.2
- 63. Absence of Fresh Complaint** – remove p 63.1 and replace with 63. Distressed Condition p 63.1
- 65. Delay between (Sexual) Incident and Complaint (*Longman* Direction)** – remove pp 65.1-65.2 and replace with pp 65.1-65.2
- 66. Evidence of other Sexual (or Violent) Acts or other “Discreditable Conduct”** – remove pp 66.1-66.9 and replace with pp 66.1-66.9
- 84. Provocation: ss 268, 269** – remove pp 84.1-84.4 and replace with pp 84.1-84.4
- 90A. Acts Intended to Cause Grievous Bodily Harm** – add new p 90A.1
- 93A. Assault: s 335** – remove p 93A.1 and replace with p 93A.1
- 95. Attempt to Pervert the Course of Justice: s 140** – remove p 95.1 and replace with p 95.1
- 102A. Damaging Evidence with Intent: s 129** – add new pp 102A.1-102A.2
- 107. Trafficking in a Dangerous Drug** – remove pp 107.1-107.2 and replace with p 107.1
- 112. Fraud: s 408C** – remove pp 112.1-112.2 and replace with pp 112.1-112.2
- 114. Grievous Bodily Harm: s 320** – remove pp 114.1-114.2 and replace with pp 114.1-114.2
- 114A. Grooming Children under 16: s 218B** – remove pp 114A.1-114A.4 and replace with pp 114A.1-114A.3
- 127A. Malicious Acts with Unlawful Intent** – remove p 127A.1
- 138B. Serious Animal Cruelty: s 242** – add new p 138B.1
- 140. Stalking** – remove pp 140.1-140.2 and replace with pp 140.1-140.2
- 147A. Unlawful Striking Causing Death: s 314A** – add new pp 147A.1-147A.2.
- 154. Using the Internet to Procure Children under 16: s 218A** – remove pp 154.1-154.3 and replace with pp 154.1-154.3