1. **KentVision Code and Title of the module**

LAWS5180 / LAWS5181 (LW518): The Law of Evidence

1. **Division or partner institution which will be responsible for management of the module**

Division for the Study of Law, Society and Social Justice (Kent Law School)

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

30 credits (15 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn term (term 1) and Spring term (term 2)

1. **Prerequisite and co-requisite modules and/or module restrictions**

LAWS5880 or LAWS6140 Public Law 1 and either LAWS5080 or LAWS6130 Criminal Law are prerequisites. LAWS6010 Criminal Law is normally a prerequisite but, where this is not possible, it may be taken as a co-requisite.

1. **The courses of study to which the module contributes**

Optional to all single and joint honours undergraduate law courses – may not be taken by non-law students

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate a detailed understanding of the skills of forensic reasoning and how these are applied in the courtroom.
   2. Demonstrate a detailed knowledge of the functions, principles and rules of evidence as used in English and Welsh Courts.
   3. Demonstrate a critical understanding of the relationship between the rules and principles of evidence and the European Convention on Human Rights.
   4. Demonstrate a detailed knowledge of the main sources of literature on the law of evidence, from a range of disciplines.
   5. Demonstrate a critical understanding of methods of forensic reasoning within the rules of evidence to be used in a given situation.
   6. Critically assess the efficiency and effectiveness of the rules of evidence and procedure.
   7. Demonstrate a critical awareness of the policy implications of procedural issues and law reform in this area.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Undertake guided and independent legal research by taking into account a variety of sources of information.
   2. Demonstrate argumentation skills.
   3. Engage critically with legal and non-legal sources.
3. **A synopsis of the curriculum**

The module aims to provide students with: an understanding of the adversarial trial structure and its impact on the content of the law of evidence, particularly in the context of the criminal trial; an understanding of forensic reasoning skills; a familiarisation with the content of some of the key evidential rules; encouragement to identify and debate current issues within the law of evidence with confidence, including the importance of due process and how it relates to notions of truth and fact finding; and the ability to apply the legal rules and principles within a critical framework.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**
   * + - Anderson T. and Twining W., *Analysis of Evidence* (Weidenfeld, 2nd ed., 2005)
       - Dennis I., *The Law of Evidence* (Sweet and Maxwell, 4th ed., 2013)
       - Durston G., *Evidence: Text and Materials* (Oxford, 2nd ed., 2011)
       - Huxley P., *Blackstone’s Statutes: Evidence, 14th edition* (Oxford University Press: 2016).
       - McEwan J., *Evidence and the Adversarial Process* (Hart, 2nd ed., 1998)
       - Munday R., *Evidence* (Oxford, 9th ed. 2017)
       - Roberts and Zuckerman, *Criminal Evidence* (Oxford, 2nd ed., 2010)
       - Tapper C. (ed.), *Cross on Evidence* (LexisNexis, 11th ed., 2007)
       - Uglow S., *Evidence: Text and Materials* (Sweet and Maxwell, 2nd ed., 2006)
2. **Contact Hours**

Total study hours: 300

Contact hours: 60

Private study hours: 240

1. **Assessment methods.**

13.1 Main assessment methods

The module will be assessed by Coursework (40%) and exam (60%) **OR**, Coursework (40%) and Dissertation (60%)

Examination (3 hours) - 60% **OR**

Dissertation (6000 words) – 60%

**PLUS**

Coursework - multiple choice test - 10%

**PLUS**

Coursework - problem based assignment (3,000 words) - 30% \*\*, **OR**

Coursework - moot – 30%, **OR**

Coursework - mock trial – 30%

(Moot/mock-trial are subject to availability – default coursework element will be the problem-based assignment)

**\*\* The problem based assignment is pass compulsory for students undertaking a dissertation.**

13.2 Reassessment methods

**Like-for-like**, namely an exam, multiple choice test and the problem-based scenario coursework.

* If the moot or mock trial is failed in **either** assessment pattern (exam or dissertation), then the replacement for that element of assessment shall be a problem-based coursework assignment.
* If the dissertation is failed, then the replacement for it shall be the re-sit exam.

**The problem-based coursework assignment will be pass compulsory on resit for any student that has otherwise passed their dissertation.**

1. ***Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)***

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 9.1 | 9.2 | 9.3 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |
| Lectures |  | X | X | X |  | X | X |  |  |  |
| Seminars | X | X | X | X | X | X | X | X | X | X |
| Case classes | X | X | X |  | X | X | X | X | X | X |
| Private Study | X | X | X | X | X | X | X | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |
| Problem-based assignment (30%) | X | X | X | X | X | X | X | X | X | X |
| Moot (30%) | X | X | X | X | X | X | X | X | X | X |
| Mock trial (30%) | X | X | X | X | X | X | X | X | X | X |
|  |  |  |  |  |  |  |  |  |  |  |
| MCT (10%) |  | X | X |  |  |  |  |  |  |  |
|  | | | | | | | | | | |
| Exam (60%) | X | X | X | X | X | X | X | X | X | X |
| Dissertation (60%) | X | X | X | X |  | X | X | X | X | X |

1. The Division/School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. Lecture capture will be used to assist notetaking but only for the lectures and not the case class.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

Some aspects of the module are examined from a comparative perspective and the reading material for some of the topics will include reports, articles and opinions published by international lawyers, committees and academics. The primary focus of the module, however, will be to provide students with a detailed knowledge and understanding of the English law of evidence.

**DIVISIONAL USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 02/02/17 | Major | September 2017 | 6,11,13 | No |
| 21/09/17 | Minor | September 2018 | 6, 10-16 | No |
| 09/2021 EAP | Major | September 2021 | 13.1, 13.2 & 14 | No |
| 16/12/2021 | Minor | September 2022 | 13,14 | No |