

# Public Children Law: Shaping New Developments into Solution-Focused Advice for Your Clients

## Topic: Child evidence

What tips the balance over a young person giving evidence, by what method, and how would it co-exist with associated criminal proceedings?

### ■ Referenced cases

- **Crown v Hayes 1977 1 WLR 234**

*The important consideration, we think, when a [tribunal] has to decide whether a [witness] should properly be sworn, is whether the [witness] has a sufficient appreciation of the solemnity of the occasion and the added responsibility to tell the truth, which is involved in taking an oath, over and above the duty to tell the truth which is an ordinary duty of normal social conduct”.*

- **Re W [2010] UKSC 12**

URL: <https://www.bailii.org/uk/cases/UKSC/2010/12.html>

- **Re E (A Child) [2016] EWCA Civ 473**

URL: <https://www.bailii.org/ew/cases/EWCA/Civ/2016/473.html>

### ■ Other sources

- **Section 96 of the Children Act 1989**

URL: <https://www.legislation.gov.uk/ukpga/1989/41/section/96>

- **Achieving Best Evidence Guidelines**

URL:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1051269/achieving-best-evidence-criminal-proceedings.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1051269/achieving-best-evidence-criminal-proceedings.pdf)

- **The Family Justice Council Guidelines - Children giving evidence in family proceedings**

URL: [https://www.judiciary.uk/wp-content/uploads/2014/10/fjc\\_guidelines\\_-\\_in\\_relation\\_children\\_giving\\_evidence\\_in\\_family\\_proceedings\\_dec2011.pdf](https://www.judiciary.uk/wp-content/uploads/2014/10/fjc_guidelines_-_in_relation_children_giving_evidence_in_family_proceedings_dec2011.pdf)