

## JUDICIARY

The Law Commission has published a [consultation paper](#) that sets out provisional proposals for reform of the way that evidence is used in sexual offences prosecutions in England and Wales. The proposed reforms have three goals: improving understanding of consent and sexual harm by countering the effects of rape myths, improving the treatment of complainants, and ensuring that defendants receive a fair trial.

The consultation paper is necessarily detailed and covers a range of topics within the trial process. This document sets out the parts of the paper that may be of most relevance to **the judiciary**. In addition to this, our [summary document](#) provides an introduction and overview of all of the topics we cover in the full consultation paper. We have also published a document that gives a very brief overview of our [key proposals](#) (and does not therefore cover all the areas we consider in the full consultation paper).

### How to respond

We welcome responses to the questions posed in our consultation paper. The easiest way to do this is to access the consultation questions using our online form [here](#). You can navigate to the sections relevant to you, and answer any or all questions. You can also respond to our summary consultation [here](#). Alternatively, you can email us your answers at [evidence.rasso@lawcommission.gov.uk](mailto:evidence.rasso@lawcommission.gov.uk)

For details on how to respond anonymously or how to provide us with confidential information, please see page iii of the full consultation paper.

### Most relevant areas in the consultation paper

As our review is concerned with the use of evidence in trials, we anticipate that most of the topics in the paper will be relevant to the judiciary. Below we set out the areas of the consultation paper that specifically consider, and invite views on, the role of the judge at different stages of sexual offences prosecutions, with paragraph references and consultation question numbers for ease of reference.

#### Judicial scrutiny of access, disclosure and admissibility of personal records held by third parties

See paras 3.146-3.219 and 3.247-3.261

Consultation Questions 7, 8, 9, 10, 11, 12, 13, 15, and 16

#### Judicial scrutiny of admissibility of sexual behaviour evidence and the giving of written reasons

See paras 4.167- 4.202

Consultation Questions 19, 20, and 21

#### Judicial scrutiny of admissibility of evidence regarding CICA claims

See paras 6.28-6.56

Consultation Questions 38 and 39

## Ground Rules Hearings

See paras 7.84-7.101

Consultation Question 44

## Right of appeal against judicial decisions on sexual behaviour evidence and personal records

See paras 11.54-11.90

Consultation Questions 103, 104 and 105

## Removal of wigs and gowns

See paras 7.60-7.76 and 7.193-7.198

Consultation Questions 42 and 56

## Exclusion of the public during the complainant's evidence

See paras 7.60-7.76 and 7.168-7.192

Consultation Questions 42, 53, 54 and 55

## Directions regarding myths and misconceptions and character

### *The complainant's good character*

See paras 5.144-5.154

Consultation Question 32

### *False allegations*

See paras 5.215-5.223

Consultation Question 37

### *Breaches of restrictions on lines of questioning*

See paras 9.99-9.101

Consultation Question 78

### *Example directions on myths and misconceptions*

See paras 10.50-10.96

Consultation Questions 84, 85, 86, 87, 88, 89, 90, 91, 92, 93 and 94.

## Guidance and training for judges

### *On non-conviction bad character evidence*

See paras 5.39-5.72

Consultation Question 30

*On the impact on juries of measures to assist complainants to give evidence and facilitate their attendance at court*

See paras 7.280-7.288

Consultation Question 64

*On responding to the use of myths or misconceptions when raised at trial*

See paras 9.102-9.161 and 10.97-10.99

Consultation Question 79, 80, 83 and 95

*On split directions*

See paras 10.97-10.99

Consultation Question 95.

**Specialist Courts**

See paras 13.118-13.161

Consultation Questions 112 and 113