**The Rules of Evidence**

In the cases we have examined so far, it has always been assumed that the facts presented could be entered into evidence. However, there are rules about what can actually be introduced in court. You may be familiar with this concept from legal shows on television, but this section of the lesson will familiarize you with the Canadian rules of evidence.

The rules of evidence are introduced in the Try Judging study material under the third section entitled **Procedural Rules** and the fourth section entitled **Rules of Evidence and Admissibility**. Make notes as you go through this resource, as you will need them for case studies, assignments and tests.

***Try Judging: Procedural Rules and Rules of Evidence and Admissibility* –** again, you’ll find this as a file on my webpage; look only at Section 4 for information pertaining to Rules of Evidence

The C*anada Evidence Act*, available at the link below, contains the full legal text of the rules of evidence in Canada's justice system. Browse through it and make brief notes on the types of evidence-related issues it covers. *Focus on the headings in the document, not the detailed laws*.

***Canada Evidence Act -*** <https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-5/latest/rsc-1985-c-c-5.html>

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Law 120 – Assignment

Use the following websites to help you answer the questions below.

• Department of Justice - Laws - <https://laws.justice.gc.ca/eng/>

• Canadian Legal Information Institute (CANLii) - <https://www.canlii.org/en/>

• The Canadian Charter of Rights and Freedoms - <https://lois-laws.justice.gc.ca/eng/Const/page-15.html>

• The Canada Evidence Act - <https://lois-laws.justice.gc.ca/eng/acts/C-5/>

1. Evidence can be categorized under several categories. In court, there are two main types of evidence that can be accepted. Define each term and create an example for each. (**2 points**)
2. Direct Evidence
3. Indirect Evidence
4. Evidence may eventually have to be used in court. This evidence will be introduced to the court through a witness. There are three types of ways to introduce these items: Oral Testimony, Documents, and Real evidence. Define or describe these types of evidence. Provide an example for each one. (**3 points**)

a. Oral Testimony

b. Documentary

c. Real or Physical Evidence

1. For each type of evidence, provide an example of information that would not be admissible under the Rules of Evidence: (**3 points**)

a. Oral Testimony

b. Documentary

c. Real or Physical Evidence

1. Sub-section 24(2) of the Canadian Charter of Rights and Freedoms guarantees Canadian citizens that neither enforcement officers nor the courts will obtain evidence to be produced in court in an illegal manner. What would happen if evidence was obtained illegally from a person's home? (**2 points**)
2. Sometimes, spouses are compelled to testify against the other spouse, sometimes they are not. Provide at least one situation where: (**2 points**)

a. A spouse must testify

b. A spouse does not have to testify

1. There are situations in which a witness does not have to testify in court. This is known as privileged communication. Who are these people? You should be able to comment on at least four. (**2 points**)
2. Normally, a court will not accept a person's opinion as evidence. However, there are certain situations in which the court will accept it from a certain type of person. Whose opinion would a court accept as evidence? (Hint: See Section 7 of the *Canada Evidence Act.*) (**1 point**)