

1. Record Nr.	UNINA9910131518003321
Autore	Moriarty Bríd
Titolo	Evidence in civil law : Ireland / / Bríd Moriarty
Pubbl/distr/stampa	Institute for Local Self-Government and Public Procurement Maribor, 2015 Slovenia : , : Institute for Local Self Government and Public Procurement Maribor, , 2015
ISBN	9789616842525 (ebook)
Descrizione fisica	1 online resource (iii, 120 pages)
Collana	Law & Society
Soggetti	Law - Great Britain Law - Non-U.S Law, Politics & Government
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references.
Sommario/riassunto	Ireland as a common law jurisdiction operates an adversarial system. Ireland has a written Constitution, Bunreacht na h-Éireann. Other sources of law include legislation and European Union Law and a doctrine of precedent operates. This paper comprises a discussion of the law of evidence in Irish Civil Procedure. It follows the structure of a questionnaire circulated for the purposes of a comparative study as part of an EU wide project and is repetitive in parts. It was completed between November 2013 and August 2014 and in the interim there have been significant developments in the Irish legal system, most notably the establishment of the Court of Appeal and the Supreme Court decision in D.P.P. v. J.C. [2015] IESC 31, which modified the exclusionary rule concerning unconstitutionally obtained evidence. The primary form of proof in Irish courts is oral evidence. Competent witnesses are generally compellable. Usually testimony, on oath or affirmation, is given viva voce in open court before the Judge and where necessary a jury, and in the presence of the parties. The right to cross-examine is constitutionally guaranteed. In civil cases, the standard of proof is the balance of probabilities. The burden of proof rests on the

party which asserts. The principle of audi alteram partem applies. A distinction is drawn between unconstitutionally obtained evidence and illegally obtained evidence. There is pre-trial discovery. Evidence taking by and for foreign courts is discussed.
