

## Chapter 8: Corroboration and care warnings

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It is very rare for statute to impose a corroborative requirement on an accused. Under s 1(1) of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991, a jury shall not acquit the accused on grounds of insanity except on the written evidence of two or more medical practitioners, at least one of whom has been duly approved as having special experience in the diagnosis or treatment of mental disorder. Section 4(6) of the 1991 Act contains an identical requirement of medical evidence where the jury are determining whether the accused is fit to be tried. Neither provision requires corroboration in the technical sense.

Section 2(1) of the Criminal Attempts Act 1981 states, 'Any provision to which this section applies shall have effect with respect to an offence under section 1 above of attempting to commit an offence as it has effect with respect to the offence attempted.'

Section 2(2)(g) of the Act states, '...provisions whereby a person may not be convicted or committed for trial on the uncorroborated evidence of one witness (including any provision requiring the evidence of not less than two credible witnesses).'

It may be that the draftsmen of the 1981 Act were, to some extent, influenced by the Children and Young Person's Act 1933, s 38(1), which expressly required corroboration in respect of the unsworn evidence of a child witness called by the prosecution. Section 38(1) has been repealed.

### *Anonymous witnesses*

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### Footnote 101

See now the Crown Court Compendium (July 2019), Part 1, 3–8, para 5 and Example.