

Ch 15: Confessions

The conditions of admissibility

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In s 76A(1) the phrase ‘charged in the same proceedings’ means, in effect, jointly tried; there is no requirement to be charged with the same *offence*: *R v Williams* [2021] EWCA Crim 226.

S 78(1) of the Police and Criminal Evidence Act 1984

Denial of access to a solicitor

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If a person interviewed as a *witness* begins to make incriminating statements and the police then take a deliberate decision to continue to interview him without advising him of his right to see a solicitor, the statements will be admissible where there are compelling reasons for the decision (such as an urgent need to protect the life and safety of the public) and the person subsequently adopts the statements when legally represented. See *R v Abdurahman* [2020] 1 Cr App R 439 (27), CA.

The trial

Confessions implicating co-accused

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There is a further exception to the rule that a confession by an accused is not admissible as evidence against a co-accused: the statutory exception that permits a confession to be admitted against the co-accused in the interests of justice under s 114(1)(d) of the Criminal Justice Act 2003. See *R v Nguyen* [2020] 1 WLR 3084, CA, and *R v Y* [2008] 1 WLR, CA.

Facts discovered in consequence of inadmissible confessions

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Footnote 283

See also *R v Abdurahman* [2020] 1 Cr App R 439 (27), CA, at [111] (d).