Thank you all for sharing insights on the topic of discussion.

First, I agree I would like to agree that Section s41 of the YJCEA is crucial to determining if Gorgios can be allowed to call his witness to testify and cross-examine the complainant. The window offered by this section are the only routes the complainant can use to adduce evidence about Bella’s previous sexual relationship as part of his defence[[1]](#footnote-1). It is imperative to note that the defendant is attempting to use the previous relationship to try and explain the existence of consent, hence the connection between the two[[2]](#footnote-2). However, as seen in Bahador, Regina v: CACD (2005), the relevance of the evidence should be strong enough. Until the decision to determine the admissibility of Giorgio’s witness and cross-examination is determined, the issue of whether Bella's sexual behaviour imputed consent or not will remain a grey area. That said, Giorgio has a chance of succeeding in calling his witnesses if he can properly explain the link between the previous relationship and events to the alleged rape. He must demonstrate a strong connection between the two to compel the court to grant leave[[3]](#footnote-3).

1. S41 of the Youth Justice and Criminal Evidence Act 1999 [↑](#footnote-ref-1)
2. Bahador, Regina v CACD [2005] EWCA Crim 396 [↑](#footnote-ref-2)
3. Regina v A (2001) [↑](#footnote-ref-3)