

**UNIVERSITY OF SWAZILAND
DEPARTMENT OF LAW**

SUPPLEMENTARY EXAMINATION, JULY 2013

TITLE OF PAPER : LAW OF EVIDENCE
COURSE CODE : DL039
TIME ALLOWED : THREE (3) HOURS
TOTAL MARKS : 100
INSTRUCTIONS : ANSWER FOUR (4) QUESTIONS

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE INVIGILATOR TO DO SO.**

Question 1

(a) Is a spouse compellable to testify against the other spouse in criminal proceedings?

(10 marks)

(b) Is an accused person compellable to testify in his or her defence and may he or she compel his or her co-accused to testify in his or her defence? (5 marks)

(c) Discuss the witnesses which are precluded by the Criminal Procedure and Evidence Act 67 of 1938 from testifying in court. (10 marks)

(Total marks = 25)

Question 2

Discuss the three (3) rules which relate to the admissibility of documentary evidence.

(25 marks)

Question 3

(a) How may a court determine whether or not a person is competent to testify as a witness? (5 marks)

(a) What is evidence of character and what is it that an accused person may do in court during proceedings which allows the State to give evidence of his or her bad character?

(20 marks)

(Total marks = 25)

Question 4

Discuss exceptions to the similar-fact evidence rule.

(25 marks)

Question 5

(a) How do formal admissions apply in civil proceedings? (10 marks)

(b) Is a 10-year old child a competent witness? (5 marks)

(c) How is a person who refuses to testify in court dealt with? (10 marks)

(Total marks = 25)