

**UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION**

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DIPLOMA IN LAW

SUPPLEMENTARY EXAMINATION, JULY 2014

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

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P has been called to testify for the State in a criminal prosecution. Before taking the oath, the witness indicates to the magistrate that he is not willing to testify. You appear for the State in the matter.

The magistrate calls upon you to address the court fully on the competence and compellability of P. (25 marks)

Question 2

(a) How does the law relating to formal admissions in civil proceedings apply?

(10 marks)

(b) How does the law relating to evidence of character in civil proceedings apply?

(7 marks)

(c) Is the evidence of character of a complainant against whom rape has been committed admissible? (8 marks)

(Total marks = 25)

Question 3

Under what circumstances will the evidence of “bad character of an accused person” be admissible? (25 marks)

Question 4

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(a) Discuss the "Similar-Fact Evidence" rule. (20 marks)

(b) What is a "previous consistent statement"? (5 marks)

Total marks (25)

Question 5

(a) Ordinary witnesses, that is, those who are not experts are generally only allowed to give evidence of facts, not opinion. However, such are in certain circumstances permitted to give their opinion. What are those circumstances? (15 marks)

(b) How may a witness rebut an allegation that he or she has recently invented his or her testimony? (10 marks)

(Total marks = 25)