

**UNIVERSITY OF SWAZILAND  
DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION, JULY 2016**

**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 suing B for the delivery of a motor vehicle which A alleges was sold to him by B who now neglects or refuses to deliver the said motor vehicle. At the trial of the matter A tells the court how B sold him the motor vehicle in question. He describes it in full including giving the court its engine number. B tells the court that he had offered to sell the car to A and that the offer was accepted by A. However, he tells the court that A's description of the motor vehicle does not mean he has proved his case because he has not given evidence of what the engine number of the motor vehicle is for.

Is it necessary at this stage of the trial for A to present further evidence regarding the following:

(a) What the engine number is for in relation to the motor vehicle? (5 marks)

(b) His claim against B.

(20 marks)

(Total marks = 25)

### Question 2

Discuss exceptions to the similar-fact rule.

(25 marks)

### Question 3

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

(b) 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 rule against previous consistent statements.

(25 marks)

#### Question 5

Write short notes on the following:

(a) The *General Law and Administration Proclamation 4/1907*. (10 marks)

(b) Real evidence. (5 marks)

(c) Incapable witnesses. (5 marks)

(d) The traditional approach to opinion evidence. (5 marks)

(Total marks = 25)