UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
FINAL EXAMINATION PAPER NOVEMBER 2019

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

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

Question 1

You have been instructed to institute proceedings for breach of contract before the High Court. The presiding Judge has ordered that the matter should go to trial. During the hearing of the matter you lead the evidence of your client. Whilst in the course of leading evidence on the terms of the contract, the attorney for the defendant objects to the evidence on the basis that it is irrelevant. He further tells the court that you have to comply with the best evidence rule.

How would you deal with this objection? (25 marks)

Question 2

You appear for the prosecution in a murder trial. The accused person tells the court that he did not commit the crime because he is a pastor. He tells the court that the witnesses implicating him with the crime are simply lying to the court.

How would you deal with this situation? (25 marks)

Question 3

A person who was injured by police during a labour strike is suing the police. She calls a doctor to come and testify regarding the extent of her injuries. The attorney for the defendant objects to the evidence of the doctor on the basis that they had not been aware that the doctor would be called and that the plaintiff had declined to undergo medical examination at the request of the defendants.

How should this situation be resolved? (25 marks)

Question 4

What are the exceptions to the admissibility of similar fact evidence? (25 marks)

Question 5

Under what circumstances is opinion evidence of a lay witness admissible in court?

(25 marks)

Question 6

Which rules should a person relying on a document comply with in order for the evidence to be admissible? (25 marks)