



## **THE LAW SOCIETY OF SCOTLAND EXAMINATIONS**

### **EVIDENCE**

**Wednesday 6 AUGUST 2008**

**1000 – 1200  
(Two Hours)**

**Candidates should answer THREE questions,  
referring to appropriate authorities in support of  
their answers.**

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**Candidates are required to answer THREE questions only. All answers should be fully reasoned and supported by adequate citation of authority.**

1. Tayside police carry out a search on premises with a warrant permitting them to seek recovery of evidence of the production of false identification papers linked to the trafficking of Eastern European women for prostitution. During the course of the search, the police seize two computers as they suspect there may be information on the hard drives that will assist their enquiries. The removal and securing of the computers is carried out by IT experts who are not named in the warrant. The police also seize a number of DVDs that they consider look suspicious, plus the contents of two filing cabinets that they believe might yield valuable evidence. Towards the end of their search they find a wardrobe with a series of small locked boxes. These turn out to contain stolen jewellery from a theft two years ago in Glasgow.

Discuss the admissibility of each of these items of potential evidence in the context of the Scottish case law on recovery of items of real evidence.

2. Scots law is one of the rare jurisdictions to retain a rule requiring corroboration of essential facts. What is the rationale for this rule and what practical consequences arise from its application?
3. Discuss what is meant by the reverse onus of proof and its effect in Scots law.
4. The Scottish Law Commission is currently considering the law relating to several rules of evidence, including evidence of bad character or of previous convictions. If you were advising the Law Commission on this project which aspects of these current rules would you propose for reform and why?
5. Discuss the problems which the Sexual Offences (Procedures and Evidence) (Scotland) Act 2002 sought to address, and assess the success of the legislation based on the case law since its enactment.

**-END-**