



THE LAW SOCIETY OF SCOTLAND EXAMINATIONS

EVIDENCE

Wednesday 4 FEBRUARY 2009

**1000 – 1200
(Two Hours)**

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

**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

EVIDENCE

4 February 2009

(Two hours)

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

1. Comment on the competence and compellability of the following as witnesses on behalf of the Crown in the trial of Arthur for assaulting his wife, Brenda.
 - (a) Arthur
 - (b) Brenda
 - (c) Arthur's co-accused, Clare,
 - (d) Arthur's 5 year old son, Donald.

What would the position be if Arthur wished to call any of these individuals as witnesses for the defence?

2. Is evidence of opinion ever admissible in Scots Law?
3. Give an account of the solicitor/client privilege and the exceptions thereto.
4. Is evidence of an accused's confession always admissible?
5. Explain the operation of the *Moorov* doctrine.

END