

**NATIONAL UNIVERSITY OF LESOTHO**

**LLB EXAMINATIONS**

**L3308: LAW OF EVIDENCE**

**May, 2023**

**Marks: 100**

**Time: 3 hours**

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**INSTRUCTIONS**

1. Answer **FOUR (4)** questions
2. Answer clearly and refer to relevant authorities
3. Each question carries 25 Marks
4. Allocate 45 minutes to each question.

### **Question 1**

Distinguish between an informal admission and a confession. Indicate the requirements of admissibility of each as evidence to be tendered in court.

**[25 MARKS]**

### **Question 2**

In the law of evidence, the Constitutionality of the reliability principle in a pointing out in Lesotho is still very contentious in terms of section 229 (2) read together with section 228 of the Criminal and Procedure Evidence Act 1981.

Critically discuss this issue with reference to the decision of *Lam Chi-ming and other* [1991] 3 ALL ER 172.

**[25 MARKS]**

### **Question 3.**

For a party to be able to convince the court beyond reasonable doubt that their evidence is true and should be admissible the court can sometimes depend on corroborated evidence.

Discuss the two types of corroboration.

**[25 MARKS]**

### **Question 4.**

Murphy defines the burden of proof as “the obligation to prove a fact in issue to the required standard of proof, or the obligation to adduce enough evidence to support a favorable finding on that issue.”

Per Murphy on Evidence (15<sup>th</sup> edn)

The legal burden is key to the above.

Discuss the four principles that are present to determine legal burden.

**[25 MARKS]**

### **Question 5**

Presumptions in the law of evidence are admissible save certain requirements are met.

Discuss the admissibility of three forms of rebuttable presumption of law.

**[25 MARKS]**

### **Question 6**

There is rule under the law of evidence that provides that, statements made by a person not called as a witness and which are tendered for the purpose of proving the truth of such statements are inadmissible as per section 225 of the Criminal and Procedure Evidence Act 1981.

However there are exceptions to this general rule.

Discuss the **Five (5)** exceptions to the hearsay rule

**[25 MARKS]**

**END**