

Evidence

Wednesday 23 July 2025

08.30 – 11.30

(three hours)

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

Question 1

The relatively recent case of Lord Advocate's Reference No 1 of 2023, 2023] HCJAC 40 could be described as a fundamental change in the Scots law of evidence. Discuss.

Question 2

What procedure could be used in court where a witness can no longer remember what happened at the time of the relevant incident. How could the prosecutor seek to deal with this? Refer to authority.

Question 3

Write notes setting out the law on TWO of the following issues in criminal cases, with full reference to authority:

- a) The consequences where an accused attacks the character of a Crown witness.
- b) The principle to be taken from the case of Muldoon v Herron
- c) The different standards of proof between Civil and Criminal cases

Question 4

S261ZA of the Criminal Procedure Scotland Act, which commenced on 25th January 2018, states: "Evidence of a statement to which this subsection applies is not inadmissible as evidence of any fact contained in the statement on account of the evidence's being hearsay." How did this change the previous law in this area? Refer to authority.

Question 5

Discuss the differences between "Self Defence" and "Provocation". How do these concepts differ, and what are the consequences of each, if successfully made out? Refer to authority.

END OF PAPER