



**LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

EVIDENCE

Wednesday 14 February 2024

**0830 - 1130
(Three Hours)**

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

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Question 1

The recent case of His Majesty's Advocate v CLB 2023 HCJAC 40, could be described as representing a fundamental change in how the concept of corroboration is approached in the courtroom.

Discuss.

Question 2

Explain the concept of Judicial Knowledge. How does it operate? Refer to authority in your answer.

Question 3

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

- (a) The 'Howden' principle.
- (b) The admissibility of previous convictions of the accused.
- (c) The different standards of proof between Civil and Criminal cases

Question 4

William and April are both caught robbing a bank. Police officers separate them, and put them in separate police cars to drive them to the station and interview them. On the way to the station, the police car conveying William breaks down, and the police pull into the side of the road to await help. Getting bored waiting for the pickup truck, the police go ahead and interview William in the car, to save time. They caution him properly, and go on to ask him questions about the robberies. William tells the police everything.

April is taken to the station, and is interviewed in terms of the relevant legislation, all requirements of the legislation are complied with. April takes this opportunity to blame William for everything.

Discuss the available evidence against William. Refer to authority.

Question 5

Discuss the significance of the phrase “You do not have to say anything, but anything you say may be taken down and used against you.” When must a police officer say this phrase, and why?

END OF QUESTION PAPER