

UNIVERSITY OF FORT HARE  
FACULTY OF LAW  
(East London Campus)

LAW OF EVIDENCE  
LCE 213E

DEGREE EXAMINATIONS  
MAY/JUNE 2023

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**Time:** 3 hours

**Subject:** LAW OF EVIDENCE (LCE 213E)

**Marks:** 100

This paper consists of TWO pages including the cover page

Internal examiners

Mr K Tshiki

Internal Examiner

Adv S Seti

**INSTRUCTIONS**

1. Answer ALL questions.
2. Do not separate subsections of questions.
3. Pay careful attention to marks allocated.
4. WRITE LEGIBLY.

### QUESTION 1

1.1 Summarize and discuss the facts and judgment in **Colgate Palmolive (Pty) Ltd v Elida-Gibbs (Pty) Ltd 1989 (3) SA 759 (W)**.

[15]

1.2 Discuss the legal position and argument for the admission of the opinion evidence in relation to the interpretation of advert?

[10]

**[25 marks]**

### QUESTION 2

The general rule is that previous consistent statements are inadmissible because they are irrelevant. However, there are certain exceptional situations in which evidence of previous consistent statements may be admitted.

Discuss critically with reference to case law the exceptions as to the admissibility of previous consistent statements?

**[25 marks]**

### QUESTION 3

Distinguish between relevancy and admissibility of evidence with reference to the court decisions in *S v Shabalala* 1986 (4) SA 743 (A); and, *S v Mavuso* 1987 (3) SA 499 (A).

**[25 Marks]**

### QUESTION 3

Discuss the concept of Character Evidence with reference to case Law.

**[25 Marks]**

**TOTAL: 100 MARKS**

**-END-**