
MULTI CHOICE QUESTIONS

EVI370-1

2011 Second Semester – Assignment 1

Question 1

- (a) If the current South African law does not provide a solution to an evidentiary problem, our courts will first of all search for the answer in the early Roman-Dutch law.
 - (b) Evidence obtained in a manner that violates the Constitution will always be inadmissible.
 - (c) Substantive law indicates which procedure must be followed to prove a case.
 - (d) The "facts in dispute" in a particular case are heavily influenced by the applicable substantive law.
- (1) Only statements (a) and (b) are correct.
(2) Only statements (a), (b) and (d) are correct.
(3) Only statement (c) is correct.
(4) Only statement (d) is correct.
(5) All the statements are correct.

Question 2

- (a) In the case of a residuary clause, our courts have to determine what the English law was immediately before South Africa became a Republic in 1961.
 - (b) Roman-Dutch law is the common law of South Africa and therefore constitutes the historical source of our substantive and formal law.
 - (c) In terms of section 35(1) of the Constitution, every arrested person has the right to adduce and challenge evidence.
 - (d) A finding by a court that a particular piece of evidence is inadmissible due to irrelevance is final and cannot be reconsidered during the course of the same trial.
- (1) Only statement (a) is correct.
(2) Only statements (a), (b) and (c) are correct.
(3) Only statements (c) and (d) are correct.
(4) Only statements (a) and (d) are correct.
(5) All the statements are correct.

Question 3

- (a) A person is charged with fraud in that he made a false statement to a financial institution. Evidence that this person has, on previous occasions, made similar false statements to other financial institutions, is hearsay evidence.
 - (b) A person is charged with fraud in that he made a false statement to a financial institution. Evidence that this person has, on previous occasions, made similar false statements to other financial institutions, is evidence about previous consistent statements.
 - (c) The accused, in trying to dispute the admissibility of a confession made while he was in detention, wants to tender evidence that, on other occasions, the police have used improper means to get statements from him. This evidence is evidence of previous consistent statements.
 - (d) The accused is charged with dealing in dagga. The fact that the accused has previously been convicted of dealing in dagga is hearsay evidence.
- (1) Only statement (a) is correct.
(2) Only statement (b) is correct.

Multiple Choice Evidence Questions

**Marcela Agudelo-Botero, Claudio
Alberto Davila-Cervantes, Liliana
Giraldo-Rodríguez**



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